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RURAL MUNICIPALITIES

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RURAL MUNICIPALITIES

A SOCIOLOGICAL STUDY OF LOCAL GOVERNMENT IN THE UNITED STATES

BY

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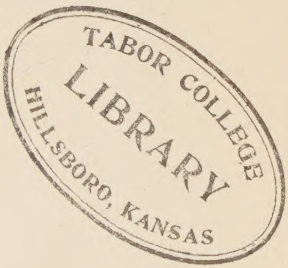

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TO

ELSIE SHERMAN MANNY

PREFACE

During the course of a brief survey of the influence of transportation and communication upon rural organization in Dane county, Wisconsin, in 1921, my interest in local government, especially as it concerns rural areas, was first thoroughly aroused. Two years later I spent some time studying township and county government in Tompkins county, New York, in connection with other work at Cornell University. Since that time I have used every opportunity that came my way to make first-hand observations of local government in various parts of the United States. The observations were made not so much from the point of view of the administrative efficiency of local government, but from the viewpoint of its successes and shortcomings as one type of rural social organization, the ability of present units of local government to secure the active interest and the whole-hearted coöperation of its citizenship, and its demonstrated adequacy or limitations in providing modern institutions and services for the enrichment of rural life.

Part I of this volume contains a brief sketch of the development of local government in the United States and something of its old-country antecedents. It closes with a statement of the existing opportunities afforded to local government in each State to provide enlarged

facilities and additional services to make the countryside a more desirable place in which to live. Part II reports the results of a survey of local government which was made possible through its adoption as a joint research project by the Bureau of Agricultural Economics, United States Department of Agriculture, and the Department of Rural Life, Hendrix-Henderson College, Conway, Arkansas.

Part III contains a definite set of proposals for the complete reorganization of local government in rural areas, including that for townships and counties. Part IV contains a suggested rural municipality incorporation law to establish local self-government in rural areas on a more satisfactory basis than now obtains. Of course, it is impossible to devise one single plan that will meet the needs of each State in all details, but my conviction is that the basic principles included in this organization plan are applicable to the more progressive rural areas of most States outside of New England, and that a number of the proposals could be adopted in New England as well.

A complete list of all persons who have contributed to this work is out of the question. More than five hundred people coöperated in furnishing the data in the questionnaire survey of local government. Many additional people were interviewed personally to develop a background against which the final schedule should be devised. To each one of these gratitude is expressed. Professor J. H. Kolb of the University of Wisconsin first interested me in the whole field of rural sociology, and under his guidance a large part of this study was made. Dr. C. J. Galpin of

the United States Department of Agriculture gave great help in the details of the local government survey, and has been a continual source of inspiration and advice throughout the progress of the work. Professor Dwight Sanderson of Cornell University aided especially in the preliminary work of the survey and furnished much of the information concerning town and county government in New York State. Professor E. C. Branson of the University of North Carolina supplied most of the data on the North Carolina Rural Community Incorporation Law and the functioning of this law since its enactment. Professor T. S. Staples of Hendrix-Henderson College gave me a valuable insight into the system of local government prevalent throughout the Southland. Finally, I take this occasion to thank the many authors upon whose writings I have leaned heavily and from which I have taken numerous quotations.

Washington, D. C.

CONTENTS

PART I

THE DEVELOPMENT OF LOCAL GOVERNMENT IN THE UNITED STATES

CHAPTER PAGE

I. Some European Backgrounds and Contrasts 3
Development of English Local Government, 3. French Local Government, 9. Local Government in Germany, 10.

II. Local Government in Colonial Times . 12
The Situation in New England, 12. Local Government in the South Atlantic Colonies, 18. The Middle Atlantic Colonies, 20.

III. General Changes Since the Revolutionary War 24
Developments Prior to the Nineteenth Century, 24. Changes in the First Half of the Nineteenth Century, 26. Tendencies during the Latter Half of the Nineteenth Century, 29. Twentieth Century Changes, 30.

IV. The New England Town 32
General Characteristics, 32. The Town Meeting, 35. Town Officials, 38. Town Powers and Functions, 41.

CHAPTER PAGE

V. Townships 44
Characteristics of the Township, 45. Township Meetings, 48. Township Officials, 50. Township Powers and Functions, 53.

VI. The County 55
General Characteristics, 56. Types of County Government, 59. Officials, 64. Powers and Functions, 65.

VII. Rural-Development Legislation . . 69
Nature of Rural-Development Legislation, 69. Utilization of Existing Facilities, 71. Permissive Feature, 72. Tax-Rate and Bond-Issue Limitations, 73. Centralized Supervision, 75. Consolidations, 76. New Units, 77. Larger Grants of General Powers to Old or New Units, 78. Disbanding, 79. Summary of Rural-Development Legislation by Individual States, 79.

VIII. Critique of Existing Rural-Development Legislation 94
Wrong Local Units, 94. Overlapping Zones, 95. Tax-Equalization Problems, 97. Popular Education on Newer Rural Legislation, 99. State Supervision, 100.

PART II

A QUESTIONNAIRE SURVEY OF LOCAL RURAL GOVERNMENT

IX. Method and Scope of the Survey of Local Rural Government . 105
Development of the Questionnaire, 105 Selection of Informants, 107. Tabulations, 109. Reliability of Results, 110.

CHAPTER PAGE

X. Citizenship Interest in and Criticisms of Local Rural Government . 113
Relationship between Political and Other Groups of Rural People, 113. Participation in Local Governmental Affairs, 116. Complaints against Local Government, 126. Suggestions for Better Law Enforcement, 132.

XI. Municipal Incorporation for Rural Areas 135
Should Rural Areas be Allowed to Incorporate for General Purposes of Self-Government? 138. Should a Village and its Tributary Rural Trade Area be Incorporated as a Single Municipality? 140. Taxation in a Consolidated Municipality, 143. Summary and Conclusions, 150.

PART III

THE REORGANIZATION OF LOCAL GOVERNMENT

XII. The Importance of Self-Government in the United States 157
What is Self-Government? 157. The Primary Group, 161. The Place of the Primary-Group Concept in American Government, 166.

XIII. The Need for Reorganization of Local Government in Rural Areas . 168
Local Governmental Areas do not Include People Whose Other Interests also

CHAPTER PAGE

Tend to Unite Them Politically, 168. Present Rural Government Fails to Meet Existing Needs, 181. Local Government Taxation not Equitable, 183. Present Local Governmental Machinery is Ineffective, 187. Should Rural Areas have a Governmental Unit below the County? 190.

XIV. Existing Rural-Municipality Legislation 195
North Carolina, 195. Areas Incorporated by Special Legislative Enactment, 198. Granting Powers of a "Community" Nature to Existing Units of Local Government, 199. Legislation Allowing Special Districts to Extend Across County, Township, and Town Boundaries, 200. The Saskatchewan Incorporated Rural Municipality, 201.

XV. Rural Communities as Possible Unit Areas for Local Government . 206
The Rural Community Defined, 206. Advantages and Disadvantages of Rural Communities as Units of Local Government, 210. Are Locality Groups to Remain in America? 215.

XVI. The New Rural Municipality . . . 219
Area, 221. Form of Government, 222. Other Officials, 224. Powers of the Rural Municipality, 225. Zoned Taxation, 227. The Public School System, 233. State Supervision, 235.

CHAPTER PAGE

XVII. Some Present Tendencies in County Government 237
Recent Changes in the Form of County Government, 238. Changes in Functions and Powers, 242. City-County Relationships, 243.

XVIII. Some Suggestions for the Reorganization of County Government . 247
What is the Place of the County? 250. The Administrative County, 254. City-County Consolidations, 260. Other Counties, 261. Conclusion, 262.

PART IV

A PROPOSED RURAL MUNICIPALITY INCORPORATION LAW

Text of the Law 267

Appendix A. Declaration of Purposes and Constitution of Plainsboro Township, New Jersey 316

Appendix B. Questionnaire Schedule Used in Local Government Survey . . 320

Appendix C. Bibliography 323

Index 335

CHARTS

1. NEIGHBORHOOD AREAS IN THE EASTERN HALF OF DANE COUNTY, WISCONSIN 169
2. COMMUNITY AREAS IN OTSEGO COUNTY, NEW YORK 170
3. NEIGHBORHOOD AND COMMUNITY AREAS IN BOONE COUNTY, MISSOURI 171
4. TRADE AREA OF ELKHORN, WALWORTH COUNTY, WISCONSIN 174
5. TRADE AREA OF WAUPACA, WAUPACA COUNTY, WISCONSIN 175
6. SELECTED SERVICE AREAS FOR STOUGHTON, DANE COUNTY, WISCONSIN 176
7. LOCAL FARM AND HOME BUREAU AREAS OF OTSEGO COUNTY, NEW YORK 177
8. CHURCH PARISH AREAS OF OTSEGO COUNTY, NEW YORK 178
9. BANK AREAS OF BOONE COUNTY, MISSOURI . . . 179
10. LODGE AREAS OF BOONE COUNTY, MISSOURI . . 180
11. SCHEMATIC DIAGRAM OF ZONED TAXATION IN A RURAL MUNICIPALITY 231
12. PROPOSED PLAN OF ORGANIZATION FOR COUNTY GOVERNMENT IN VIRGINIA 240
13. DIAGRAM OF REORGANIZED COUNTY GOVERNMENT, SHOWING CONCENTRATION OF RESPONSIBILITY 256
14. DIAGRAM OF PRESENT COUNTY GOVERNMENT IN WISCONSIN 257

PART I

THE DEVELOPMENT OF LOCAL GOVERNMENT IN THE UNITED STATES

RURAL MUNICIPALITIES

CHAPTER I

SOME EUROPEAN BACKGROUNDS AND CONTRASTS

LOCAL government in the United States cannot be appreciated unless something is known of its antecedents. The general framework of this part of our Government was a reality centuries before the New World was discovered. When brought over to America it represented merely an adaptation to colonial needs, not planned for in advance, but gradually remodeled as situations and conditions demanded. Our system of local government is almost entirely of English extraction. Hence, before studying the problem on this side of the Atlantic, it will be well to look farther back into English history, and to take a brief glance at the system common in Continental Europe, a type which represents almost a complete opposite in political theory and administrative practice.

DEVELOPMENT OF ENGLISH LOCAL GOVERNMENT. English local government is predominantly one of slow natural growth. Its roots can be traced far back into the past, antedating national government by centuries. It is the direct result of the social and economic organization

of prehistoric peoples, modified at times by invading peoples who remained in the country. The following quotation from a British authority on the subject puts this clearly:

England is pre-eminently the country of local government. True it is that the central legislature has in recent times created, perhaps somewhat arbitrarily, new units and organs of local government. But the great outlines of local government in England were drawn ages before central government (as we understand it) came into existence. Central *administration,* as distinct from mere political overlordship, dates from the twelfth century, and is the work of French officials. Local administration is at least five hundred years older, and was probably the unconscious adaptation of primeval Teutonic custom to the conditions of new settlement. Treasury, King's Bench, and Parliament come down to us from the Angevin and Plantagenet kings. But Township and Hundred and Shire carry us back to the days before Alfred, to the dim beginnings of our story, and it was, in fact, only by an integration or union of these smaller groups that England became a nation at all. Consequently, central government, when it came, had to reckon with local government as an established fact, and has had to do so ever since. Even in its most drastic moods, even when creating sanitary districts and electoral divisions, Parliament has, in the great majority of cases, followed the old lines. Either it has given the old area a new name, or it has given a new area the old name. Nothing more clearly shows the profound conservatism of English character than this practice.[1]

Sociologically, the feature of fundamental interest in this matter of origins is the unquestioned fact that tun

[1] Edward Jenks, "An Outline of English Local Government." London, 1921. Pages 9–10.

and shire were natural units occupying certain geographic areas whose boundaries were determined by the economic and social organization of the people. In the earlier times, each tun was practically self-sufficing, at least so far as the major necessities of life were concerned. Local loyalties and allegiances, traditions and customs, gradually developed, and they continually served to maintain the solidarity of each local unit. Each managed its local affairs independently of the rest, and without any of that administrative supervision from national government which plays so large a part in local governmental circles to-day. In the tun, for example, a primary assembly of all freemen, meeting at least annually, directed all the local affairs of the area and named such officials as were required to make its desires effective.

English local government has had its ups and downs during the development of that country. Following the Norman Conquest, and well into the nineteenth century, there was a gradual and almost continuous centralization of authority in the county (as the shire was renamed) because of crown appointment of many of its officials, and transfers of power from locally elected officials to these centrally appointed incumbents.

By 1860 practically all county functions and officials, with the exception of the coroner, were under the direct control of the crown or the central administrative authorities. The county thereupon virtually ceased to have any powers of local self-government. The reform laws passed in 1888, and a considerable amount of more recent legislation, have restored many of the older powers of self-government to these areas and added new ones

as well. In this reorganization a popularly elected county council has been granted wide administrative powers, some mandatory and others permissive. It controls highways and bridges, it provides educational facilities, it may establish and maintain many institutions for the care of various classes of dependent persons, it has large supervisory powers over its political subdivisions. Specific grants of additional powers are extended frequently to individual counties, or parishes, by local bills in Parliament. The Ministry of Health (one of the major central administrative authorities of the kingdom) has some latitude with regard to making special grants of power to individual counties or to parishes.

The parish, originally that area served by one of the Established churches, and in many cases either coextensive with one or made up of two or more of the townships or tuns of earlier origin, gradually became more important as a combined civil and ecclesiastical unit following the growth of the manorial system. The former democratic township, with its primary assembly, lost most of its authority because of the increasing domination of the manorial lord in the determination of local matters. Thus, according to Odgers:

> The parish priest was probably the best educated, if not the only educated, person resident in the parish. And many a battle-royal did he have with the steward of the manor in the thirteenth and fourteenth centuries. For some generations the strife was doubtful: if the priest prevailed in one parish, the lord and his steward were predominant in another. But at last the Church won the day. And it accomplished this by means of the "parish meeting." The priest resuscitated or revived the old

assembly of the township which was fast falling into disuse. One is a little surprised that the manor court, at which attendance was compulsory, had not at once taken the place of the voluntary gathering of the inhabitants of the township. But it did not—partly, perhaps, just because attendance at the manor court *was* compulsory. The Saxon peasant was tenacious of his rights; moreover, he felt that in the manor court he had no voice, and could take no real part in the proceedings. The township-moot still lingered on; and the priest knew how to turn this to advantage. He summoned the inhabitants of the township to meet in the parish church, in which he himself was supreme. The township meeting became the parish meeting; the priest presided; the lord and his steward were but two parishioners. In the church all were equal, all were free: women even were allowed to take part. It was this parish meeting which kept alive some sparks of life and hope in our long-suffering peasantry. It tended ever to educate and elevate the people. The lower and middle classes under our Plantagenet kings, and throughout the Wars of the Roses, were largely indebted for the preservation of their liberties to the secular priest. Piers Plowman and Chaucer both bear witness to his unremitting and self-sacrificing labours: he became the "person," and, later, the "rector," of the parish. [1]

The parish gradually increased in importance, and in 1601, when it was made responsible for poor relief by the famous Elizabethan Poor Law, the way was paved for the granting of larger and larger powers to this unit. Subsequently, the civil parish was defined apart from the ecclesiastical parish, with a separate body of officials elected for each. Then, during the second and

[1] William Blake Odgers, "Local Government." London, 1901, Macmillan and Co. Pages 41–42.

third quarters of the nineteenth century, the civil parish was stripped of practically all its former important powers and functions, and almost lost out in the centralization movements which characterized the political developments of that time. However, since 1888 a reversed trend has set in. More and more powers have been extended to the parish, especially to the rural parish. Many of these are of the permissive and adoptive type increasingly found in rural development legislation. Among them might be mentioned authority to establish and maintain parks, libraries, swimming-pools, recreation buildings, hospitals, and other facilities of similar purpose. The present civil parish legislative authority consists of a primary assembly of citizens (parish meeting) or an elective parish council, the latter being provided for more populous areas. Recognizing the importance of some measure of local self-government, Parliament and the administrative offices are seeking to cultivate more desire for and actual participation in local governmental affairs, under the guidance of skilled help and advice from the central administrative authorities.

Although names have been changed and although the variety and extent of powers possessed by the local self-governing units in England have fluctuated greatly from time to time, the old boundaries have been altered relatively little. In almost every one of these areas is to be found a body of traditions kept alive by local loyalties and serving in a measure to heighten the interest of the citizens in their local government.

In direct contrast to the English system which has been used so freely here in the United States is the sys-

tem of centralized control found on the Continent of Europe. A brief summary of some of the features of this latter plan is given, since a few tendencies in our own local government appear to be favoring the development of this system and a corresponding partial abandonment of certain present features of local self-government in rural areas.

French Local Government. In France, the department and the commune, corresponding roughly to the American county and the New England town respectively, each possess some powers of local self-government exercised through popularly elected councils. However, these bodies are deliberative and policy-determining exclusively—not administrative. The prefect of the department, its chief administrator, is appointed by the central government, while the mayor of the commune is elected by the communal council from its own ranks. Both of these men are administratives of the central government much more than they are agents of local self-government. They may be removed from office by the central authorities. The central authorities must approve or veto most of the important acts of the department council-general or the communal municipal council. One interesting difference, in theory rather than in fact, is to be noted in the powers of the communal municipal council. In contrast to the council-general of the department, or to the legislative bodies of English and American local government, the French municipal council possesses a broad grant of general powers, the other mentioned units having grants of specifically enumerated powers. Then the French laws proceed to state what

things the municipal council cannot do. The fact that the acts of this council must be approved by agents of the central government or by the prefects of their respective departments before becoming effective greatly restricts the opportunities which might otherwise exist under the authority of general residual powers which communal municipal councils appear to have. As to the effect of the large degree of control exercised by the French central authorities upon the local institutions and the civic spirit of the people, Professor Ashley quotes a French authority (M. Arminjon, "Le Gouvernement locale en Angleterre") as follows:

> A French student of English local government remarks that the concentration of departmental and communal administration in the hands of the Prefect and Mayor produces a feebleness of civic life and public spirit, an inexperience of the councillors in the conduct of business, and a strict tutelage ("perhaps necessary") by the central government.[1]

Local Government in Germany. German local government presents some further contrasts to the systems of France and England, despite the fact that the German system also involves great concentration of power in the state and in the federation of states making up the German nation. In the first place, in Germany the administration of state or federal functions locally is represented by a complete governmental organization of its own, whose boundaries may or may not have any relationship to those delineating areas possessing powers of

[1] Percy Ashley, "Local and Central Government." London, 1906. Pages 98–99.

local self-government. In other words, local officials are seldom charged with the administration of central governmental functions in contrast to the method in France. Local self-government, relatively feeble as its powers appear to be to an American, nevertheless commands more attention and active support from the populace of Germany than is common among the French people. Local elective positions, though often unpaid, are much sought after because of the social prestige and other emoluments that may accrue to the office-holders.

The chief units of local government in Germany (beginning with the smallest) are communes (rural or village), towns, circles, districts, provinces, and the state (in the case of Prussia, for example). The same general plan is found in the other states, but there are differences in terminology, and in the case of some of the smaller states one or more of the larger units, such as the district in Prussia, may not occur at all. Communes and towns have representative policy-determining assemblies now popularly elected by universal suffrage. Before the World War the voters were classified into three groups based upon wealth, each group electing one third of the assemblymen. This gave the small minority of moneyed people a majority representation in the assembly. The democratizing influences of the past few years have abolished such class representation and are introducing other reforms in local government yet in process of development. In Germany, however, as elsewhere in Continental Europe, the larger share of control over the people is exercised directly by the central government rather than by its subdivisions.

CHAPTER II

LOCAL GOVERNMENT IN COLONIAL TIMES

THE SITUATION IN NEW ENGLAND. Colonial local government as first established in the settlements of New England was not a replica of the evolved form existing contemporaneously in England. Rather, it might almost be called a historic "reversion" to an earlier form, modified somewhat, it is true, since the conditions of the pioneer country were decidedly different from those of its model. The New England town, at the beginning, was made up of a group of people whose homes, church, school, inn, and small shops were all located in close proximity. Parcels of farm land surrounded this center. The farm land consisted in part of those areas held in common by all the freeholders of the town, and in part of cultivable or other land (from twenty to two hundred or more acres per family) granted to the individual householders. In a few of the very earliest towns even the cultivated lands were held in common and cropped under the medieval strip system. This practice seems to have been abandoned shortly in favor of individual control of larger fields for cultivation.

The cultivated lands might be granted in fee simple

to the residents, but more often—in the seventeenth century at least—they were granted with certain restrictions as to their use and resale. Some of the pasture, meadow, and wood-lands held in common continued to be used in this fashion into the first quarter of the nineteenth century. Not a few of the original pastures at the centers of the towns are now the property of the town governments and are used as parks or for other public purposes under the suggestive name of town commons. Here we have a revival of an ancient system of land economy which antedated the English manorial system by centuries. At the same time it has left certain traditions of local governmental organization and administration which have remained with us to this day.

The legislative and policy-determining body in this system of local government consisted of a town meeting. All freeholders were generally required to be present at the sessions. During the early years town meetings seem to have been held frequently, but with the increasing population and the greater difficulty of bringing people together, the town meeting subsequently developed into an annual event. Special meetings were called in cases of unusual emergency. Elected at the annual meeting, and serving as the policy-enforcing body of the town, was the town board of selectmen, three to twelve in number. This body was responsible to the town meeting for the carrying out of the wishes of the voters as expressed therein.

In addition to the selectmen, other dignitaries were elected to carry on the administrative work of town government. Among these were the clerk, justice of the

peace, constable, assessor, hog reeves, fence viewers, road overseers, crier, bell-ringer, weighers, and pound master. So numerous were the places to be filled that in some instances virtually every adult male freeholder held one or more official positions in the town government.

Under the sufferance of the crown-appointed colonial governors and the colonial assemblies that had the right to delineate the powers of towns at their pleasure the towns were allowed to conduct their internal affairs about as they pleased so long as they did not violate the colonial laws and paid their taxes promptly to the colonial officials. The following section taken from the records of the General Court (colonial assembly) of the Massachusetts Bay Colony in 1635 gives considerable authority to the towns to manage their internal affairs by local home rule. The passage has been rewritten into current English for greater ease in reading.

Whereas particular towns have many things which concern only themselves, and the ordering of their own affairs, and disposing of business in their own town, it is therefore ordered that the freemen of every town, or the major part of them, shall only have the power to dispose of their own lands and woods with all the privileges and appurtenances of the said towns, to grant lots, and make such orders as may concern the well ordering of their own towns, not repugnant to the laws and orders here established by the General Court; and also to lay mulks and penalties for the breach of their orders, and to levy and receive the same, not exceeding the sum of twenty shillings, also to choose their own particular officers, as constables, surveyors for the highways, and the like; and because

much business is like to ensue to the constables of several towns by reason they are to make distresses and gather fines, therefore that every town shall have two constables where there is need, that so their office may not be a burden to them, and they may attend more carefully upon the discharge of their office, for which they shall be liable to give their accounts to this Court when they shall be called thereunto.[1]

A quotation from Bugbee will shed some further light upon this situation:

In the New England colonies town government grew up as the British constitution has grown up. The relation between the colonial authorities were as indefinite as the relations existing at that time between the commons and the king. During the fifty-eight years covered by the first charter to the colony of Massachusetts the people were left entirely free to establish such local institutions as were best adapted to their wants. In their village communities they set up the freest government with which their traditions had made them acquainted; and that was the government which their Teutonic ancestors brought into Britain in the fifth century. For the ancient right of the Anglo-Saxon freeman to have a voice in town-moot and folk-moot had never been wholly forgotten; and in many of the English villages of the seventeenth century the land was still held in common, as it had been held and cultivated before the Norman conquest. [2]

The records of the town meetings of several of these

[1] Records of the Colony of Massachusetts Bay, General Court, March 3, 1635.

[2] James M. Bugbee, "Origin and Development of Local Self-Government in England and the United States." Boston, 1880, A. Williams & Co. Pages 17–18.

little primary group democracies have been published and are available for study. An examination of some typical records[1] shows that the town meeting and the selectmen *ad interim* regulated the affairs of the town and its inhabitants down to the minutest detail. Such weighty matters as the assignment of pews in the meeting-house (church membership was often required in the early years as one condition of being granted residence privileges of the town), admittance of new-comers to the town, establishment of new business enterprises, extinguishing of lights in the houses at specified hours, ringing and care of hogs, etc., were regulated in addition to the more fundamental affairs of local government.

As time went on and the populations of the towns increased by the addition of new residents, the new-comers were not necessarily accorded the same rights in the original common fields as were possessed by the older settlers and their descendants. Thus there grew up within the town certain more privileged groups known as proprietors of the various common fields, in addition to the larger body politic constituting the town meeting. These special groups of proprietors controlled the common fields in the interest of their own membership. By the end of the first quarter of the nineteenth century the common fields had almost gone out of existence. Many of them were turned over to the towns for general public purposes, or were purchased by the towns; others were sold to private individuals. The persons who constituted

[1] Town records of Salem, Dedham, and Portsmouth (Strawberry Bank) were consulted in the present study.

the proprietors at that time received their respective proportional shares of the sale proceeds.

In contrast, it should be remembered that the English parish at this time was rapidly becoming a close corporation under the control of the church vestrymen, who had the power to name their successors in office. The state was assuming more and more control over local affairs, with a corresponding decrease in local self-government.

The New England town was a sociological as well as a political unit. In the beginning, at least, all the inhabitants were presumably members of one church, and all were bound together economically through the control of common fields and other jointly owned facilities. The rigors of the climate, the isolation from other towns, and the need of protection from Indian attacks strengthened these common bonds of local interdependence still more. Town boundaries followed "natural" boundaries—streams, hills, edges of forest lands, etc.—and were often quite irregular. As the population at one center grew to the point where its farm lands were too remote from the houses to be handled easily, another center would develop farther out. Sometimes this would remain a part of the original town; in other cases it might obtain a charter from the colonial authorities to function as a separate town. Evidences of this subdivision and branching still appear throughout New England. For instance, take the case of the present town of Ossipee, New Hampshire. Within this town area are several villages and hamlets including the following: Ossipee Corners, Cen-

ter Ossipee, West Ossipee, Ossipee Valley, Water Village, Moultonville, and Granite, in addition to the largest trade center in the town which carries the name of the town itself, Ossipee. All remain under the one town government.

This high degree of local home rule is at the very foundation of our American ideals of democracy. Though the primary assembly has become a thing of the past in many older sections, and has not been used at all in much of the newer territory opened up to the west; by means of the ballot, representative government, and more recently by the facilities of so-called direct democracy, Americans still demand a large degree of local self-determination in these matters.

The county was introduced into New England about 1645. It was established to serve primarily as a unit in the administration of justice, for purposes of military organization, for tax equalization as between the towns, and to perform the needed services of recording and probate for the area. The New England county has never developed any extensive powers of local self-government, these being reserved to the towns and to the comparatively small number of cities which have been incorporated as separate municipalities since colonial times. As a convenient district for the administration of state affairs, the county has strengthened its position somewhat since the Revolutionary War, but its local policy-determining powers are the least developed of any section in the United States.

Local Government in the South Atlantic Colonies. In the South Atlantic colonies conditions were al-

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most wholly different from those of New England. The land was granted in large blocks to a relatively small number of individuals. Many of these grants were to members of the English nobility. It quickly became the ambition of these gentlemen to found an economy similar to that represented by the landed aristocracy of the homeland. The presence of a large number of indentured white persons and free servants without property or the ability to acquire grants of land introduced socio-economic class divisions at the outset of colonization. Later, the advent of negro slaves yet further served to emphasize class distinctions and introduced a racial element that became a still lower level in the social scale. The inevitable result of all this was to preclude the establishment of that face-to-face democracy with its primary assembly, the town meeting, so influential in shaping local government in the northern colonies. Furthermore, in these South Atlantic colonies, the Established Church, supported by the nobility, gave added impetus to the forces of centralization. The result here was the setting up of a form of local government which more closely resembled the contemporaneous English parish than it did the New England town.

In Virginia especially, the early setting out of large plantations proved unfavorable to the formation of town or village communities such as were so early established in the northern territory. The minor political subdivisions in Virginia in the earliest period were called towns, hundreds, plantations, and boroughs. These sent representatives to the first assembly held in the colony. The plan did not seem to function any too well, for in 1634

the colony was divided into eight shires (counties), each containing several parishes and much other unorganized territory. In 1643, vestries were ordered to be established in each parish for the maintenance of church government. In 1662, counties and parishes were allowed to make laws for themselves.[1] Following the example of England, the parish vestries became self-perpetuating close corporations in this same year, but the abuses which developed in England under this system did not seem to go to such extremes on the western side of the Atlantic. Virginia represents about the peak in the earlier tendencies toward centralization in colonial America, though the other southern colonies were not very far behind.

The shires which were developed in Virginia in 1634 were likewise in no sense democratic units, for the shire officials without exception seem to have been appointed by the governor or his subordinates.[2] Because of the very scattering population, the parishes never developed into really strong units of local government. The county, as the shire was later named, gradually increased its position and finally eliminated the parish altogether. In the other southern colonies the county developed relatively earlier than in Virginia, and it continued to function as the sole unit of local government throughout colonial times.

The Middle Atlantic Colonies. In the Middle Atlantic colonies we find something of a compromise or

[1] Bugbee, *op. cit.*, page 28.

[2] John A. Fairlie, "Local Government in Cities, Towns and Villages." New York, 1906, Century Co. Page 19.

middle-ground position between the northern and southern variants, but with the addition of certain other features which have been widely copied in the areas subsequently settled to the west. The Dutch, the first colonizers of this area, originally established in New Netherlands a manorial system along strict feudal principles. The number of such settlements, however, was not large. With the taking over of New Netherlands by the British in 1664, this system was supplanted by one devised for the most part by the Duke of York. Under his plan, towns were to be established consisting of the small hamlets and surrounding farms somewhat after the New England pattern. The principal function of the town meeting provided in the New York plan was the election of local officials, including several overseers of the town. These overseers performed the legislative and tax-levying functions which were, in New England, under the direct control of the freeholders assembled in their annual town meeting. Moreover, the New York town has never developed as large a sphere for free action, nor has it ever been a unit for electing representatives to the General Assembly of the colony and later of the state legislature, as is found in some of the New England States even to-day.

Counties, in New York, were established about twenty years after town organization had been set up. Here a really new feature of governmental integration was introduced by the creation of a county board of supervisors to consist of one representative from each town within the county. This board was to exercise general supervision over the affairs of the county and it had

some control over the towns. Increasingly the county board of supervisors was authorized to perform additional governmental functions, and the duties of the town officers decreased accordingly.

Another significant change was made in New York colony relative to the local government of trade centers. While in New England these remained parts of the town governments in which they were located and had no separate identity through the possession of a form of local government all their own, in New York, and just a little later in the other Middle Atlantic colonies, the larger trade centers were soon made special municipal corporations under individual charters, and were lifted more or less completely out from under the jurisdiction of the towns or townships in which they were originally located. Even small villages soon attained some measure of local self-government through municipal incorporation in most of the Middle Atlantic colonies. Possibly the more limited scope of township powers and activities in these colonies stimulated this movement of separation between urban and rural.

In Pennsylvania a somewhat similar development took place, except that townships were allowed even less latitude in local self-government, and their governmental machinery was less definitely prescribed. The county board consisted of but three commissioners chosen at large from the county. This board was given extensive powers of supervision and administration in local government as well as the right to exercise the legislative function for the county within the extent of its powers to act upon local matters.

By way of summary, it may be stated that the foundations of local government in the United States were rather well established during colonial times. Three distinct types emerged, one in the New England, one in the Middle Atlantic, and one in the southern colonies. These have served as models for present forms of local government throughout the entire country. The social heritage of the first settlers, climatic and economic conditions in different parts of the New World, colonial governors and assemblies, all contributed to the shaping of these various forms of local government. Few really fundamental innovations have been made since this time in the basic features of present-day counties, townships, or towns.

CHAPTER III

GENERAL CHANGES SINCE THE REVOLUTIONARY WAR

IT is not within the purview of this study to enumerate all of the changes which have occurred in local government since the Revolutionary War for individual States. The chief purpose of this chapter is to point out certain general trends in local government development especially as they bear upon the sociological aspects of our study.

DEVELOPMENTS PRIOR TO THE NINETEENTH CENTURY. In the period between 1776 and 1800, all the former colonies adopted new constitutions as States in the federation, first under the Articles of 1783 and then under the Federal Constitution. In addition to the original thirteen colonies, Kentucky, Tennessee, and Vermont were admitted to the Union upon submission of acceptable constitutions and completion of the other prescribed steps. Most of these early constitutions said absolutely nothing about local governmental organization below the county, and almost nothing about the county itself. Consequently, the local organization of colonial times continued to function practically unchanged. A few county officials formerly appointed by the governor were made elective by the people or appointive by the legislature or some other elective body.

Two laws passed by Congress relative to the organization of areas to the west of the then admitted States have been of utmost importance in determining the form and features of local government subsequently established in a large section of country. In 1785, Congress passed an act prescribing a method for the surveying and sale of the public domain. In order to make parcels of land easy to locate, the entire area was to be surveyed and plotted into units called congressional townships, each six miles square and thus containing thirty-six sections of one square mile each. Every congressional township was to be numbered in relation to its position from the principal meridians and range lines. To make for local loyalty, the purchasers of land in each township were urged to agree upon some appropriate name for the area. One section of land in each township (usually the sixteenth) was to be set aside for the benefit of the public schools of that township. Originally this land survey was to apply only to the Northwest Territory, but its chief principles have since been extended to most parts of the United States.

It should be clearly borne in mind that for the most part these congressional township boundaries were straight lines, the only exceptions being when part of the area was under water in the bed of a lake, or when the township bordered a large river. Mountains, smaller streams, or other natural barriers from the point of view of social intercourse or lines of possible communication did not enter as boundary determinants of these "standard" townships.

In 1787 the famous Northwest Ordinance was passed,

setting up a rudimentary form of local government in the Northwest Territory. One constable was to be appointed to serve in each congressional township, and groups of these townships were to be formed into counties. These foundations of local government were laid by Congress in advance of general settlement of practically all this vast area, and without any regard whatsoever for the possible future groupings of the people into local settlements. The settlements which grew up naturally followed topographical and other existing conditions with regard to their locations, using the favorable places along early routes of transportation, where soils seemed fertile, and means of protection naturally easiest. These settlements did not and would not locate at the exact center of the artificially devised congressional townships, highly desirable as these units were in a system of accurate land survey. If a settlement was located at the center of one of these townships, in the earlier years especially, such a coincidence was accidental. The effects of this artificial parceling out of the new territory in developing problems for local government and social organization will be pointed out at length in subsequent chapters.

Changes in the First Half of the Nineteenth Century. During the first half of the nineteenth century several significant tendencies in local government are to be noted. All of the States organized prior to 1800 either adopted new constitutions or generously amended their existing ones to add more provisions concerning local government. Several of the States admitted early in that century likewise adopted new constitutions before

1850. Most of these changes, in fact, came during the last half of the period, and reflect in the main the thinking and theories of Jacksonian Democracy. The chief tendencies in these changes were: greater decentralization of state government, including popular election of more local officials; additional powers delegated to local units; and the extension of the voting franchise to more and more people through reduction or complete elimination of property qualifications for voting.

The newer States admitted into the Union usually adopted that form of local government which corresponded to the type existing in the areas from which most of their settlers had come. Indiana and Ohio adopted the Pennsylvania plan of county-township organization with a small board of county commissioners. The first Constitution of Illinois did not provide for political townships at all, as the controlling element of its first settlers was of Kentucky and Virginia extraction. With a large influx of new-comers from New York and intervening points into northern Illinois, and in part a product of the slavery agitation, a new Constitution was adopted in 1848. This gave the legislature authority to provide that counties, by a vote of their inhabitants, might adopt a township-county plan, using congressional townships as units and setting up a large county board of supervisors, one from each township, to be the chief governing body for the county. The northern counties soon adopted this optional plan, and at present all but seventeen counties in the extreme southern part of the State have township governments. In the Southern States, too, the newer areas modeled their local government after the

examples directly to the east, making the county the smallest rural unit, with precincts or districts organized entirely for election and administrative purposes but without any general powers of local self-government as subordinate areas.

During this period another development took place which greatly affected local government organization and functioning. This was the rapid incorporation of cities and towns, or even of small villages. The movement did not extend into New England, where town government still continued to function for both urban and rural sections. Several factors seemingly conspired to make the incorporation of these urban or semi-urban places a necessity outside of New England. The rapid increase in size of some of the largest urban places introduced new governmental problems which neither township nor county had the power to meet. These problems were so different from the rural needs, it seemed apparent that both urban and rural areas included under one unit of local government could not work together to their mutual advantage. In the absence of any township organization the county was clearly too large a territory and its interests were too diverse to serve the requirements of a city group within its borders. Because of the artificial way in which counties and townships were laid out, especially west of the Alleghany Mountains, population centers were just as likely to be located at the periphery as they were to be at the center of these local areas. In New England, it will be remembered that the town center came first, and its influence tended to radiate into the farmland areas in every direction, somewhat determining the

boundaries of the area by its economic and social focusing of the group interests at this pivot point. In the territory farther west, the political boundaries were established ahead of the locating and development of population centers. When a town, village, or city became a reality, it might or might not serve as a center for the surrounding rural political unit of which it was once a part. The incorporation of urban places greatly weakened the township, and no doubt has contributed in a large way to its waning importance both governmentally and in terms of social organization.

Tendencies During the Latter Half of the Nineteenth Century. Following the Civil War, some new tendencies are discernible in the development of local government, both rural and urban. During the reconstruction era, the "carpet-bag régime" succeeded in introducing township organization into several Southern States, but with the collapse of that control the States affected adopted new constitutions, in all but one instance eliminating the township and returning to the county as the smallest rural unit.

During this period the new state constitutions that were adopted by many of the States said considerably more about local government, the chief motive being to protect it from petty tampering by meddlesome state legislatures for purely political purposes. Restrictions on changing boundaries, moving county seats, organizing new or consolidating existing townships or counties, or the passing of special laws to apply only to individual units, are common types of these limiting provisions. Several new offices were created, usually to be filled by

popular vote. Taxing, bonding, and borrowing powers of local units were increasingly restricted by the various state constitutions. The beginning of state administrative supervision and state control over certain local government operations was made during this period; finance, education, and care of dependents received most attention in this movement.

In the newer States to the west, which were admitted during the latter half of the century, county government was made the prevailing form for rural areas. On the whole, the county in these Western States has been granted larger powers of self-government than was true earlier, especially in the old South.

Twentieth Century Changes. Since 1900 a few interesting tendencies are visible. First, and most important from the standpoint of our study, is the increasing volume of permissive or adoptive legislation, opening up to counties, townships, towns, and incorporated places vast new fields of activity especially for civic development. A summary of these provisions is included in a later chapter.[1] A second tendency is the continued increase of state administrative supervision, both as to fields included and thoroughness of the supervision provided. Third, there is a slight tendency to go back to appointive officials for certain local governmental offices purely administrative in character. Among these are superintendent of schools, surveyor, treasurer, and clerks for several offices. This change is often made in conjunction with the introduction of civil service or merit systems for the filling of minor positions. Finally, the whole scheme of

[1] Chapter VII.

local government is yielding to scientific analysis to determine its real effectiveness as now constituted and to develop possible reorganizations for more adequate service. Emerging from these studies are such innovations as county home-rule charters and commission or commission-manager forms of government adapted to the county and the New England town. Some even more thoroughgoing plans of reorganization have been devised. A discussion of these movements and their possibilities will demand attention in a later section.[1]

[1] Part III.

CHAPTER IV

THE NEW ENGLAND TOWN

GENERAL CHARACTERISTICS. The town is still the most important unit of local government serving the rural and semi-urban areas in New England. In area, the typical town is not far different from the congressional township of thirty-six square miles, but its boundaries are irregular. Individual towns vary in size over considerable limits. A study of road maps usually shows some convergence of the roads toward the center of the town or toward some settlement not far from its geographic center. Moreover, as will be seen later, in contrast to other areas these town roads do not run in the direction of the four points of the compass in straight lines and about at mile intervals each way, as is so characteristic of large sections in the Middle West. New England roads largely follow land contours, and the early trails have served as the basis for many later highways between town-centers.

The population range of the New England town can be understood by referring to the table on the following page. Massachusetts and Rhode Island have but one standard for urban incorporated places—namely, the city. The four remaining States of the group (Connecticut, Maine, New Hampshire, and Vermont) have an

intermediate form in the incorporated village or borough. These last incorporated places vary in number from two in New Hampshire to sixty-seven in Vermont. In the other New England States, and in many local instances in these four States, the more densely settled areas occupied by tradespeople and others engaged in non-agricultural pursuits still remain a part of the town. The town itself varies in population according to the 1920 Census from Cambridge, New Hampshire, with a reported population of one person, to Brookline, Massachusetts, with a population of 37,748. Characteristically, the town population will run from 1,000 to 4,000. The village, where separately incorporated, will have from 1,500 to 3,000 persons as a general rule, and consists of a compact settlement whose residents work in factories or shops. Cities are the largest urban units, and they have little in common with the rural areas, at least so far as the day to day needs of local government are concerned.

In addition to the towns and incorporated places, there are in three New England States [1] local areas variously known as townships, plantations, grants, gores, locations, purchases, tracts, and surpluses in which local self-governmental machinery has not been established. The population of these units is very small; some units are reported as uninhabited according to the 1920 Census. Subsequently some of them will be organized into towns, others may be annexed to adjoining towns, and some of the more poorly situated and smaller ones are likely to

[1] Maine, New Hampshire, and Vermont.

TABLE 1. Number and average population of towns and incorporated places in the New England States for the year 1920.*

STATE	TOWNS		INCORPORATED PLACES			
			VILLAGES OR BOROUGHS		CITIES	
	No.	*Average Population*	*No.*	*Average Population*	*No.*	*Average Population*
Connecticut ...	70	6,222	21	3,975	20	43,197
Maine †	457	941	24	1,696	20	13,892
Massachusetts .	319	3,848	—	—	37	71,214
New Hampshire †	215	1,051	2	1,930	11	19,674
Rhode Island..	33	5,310	—	—	6	71,529
Vermont †	247	778	67	1,357	7	9,873

* U. S. Census, 1920. Vol II. Population.

† Maine, New Hampshire, and Vermont have other local areas in which self-government has not been set up or is very incompletely developed in contrast to the town. These areas are variously called townships, plantations, grants, locations, gores, purchases, tracts, and surpluses. In population they range from a purchase, with none reported in some instances, to a plantation, with an average of 213 persons.

remain for a long time to come without any local government beyond what the county can provide.

The people within a given town tend to center their economic, social, educational, and religious needs within the bounds of their own town. Of course, proximity to a city of some size may cause part of the inhabitants of the town to seek satisfaction in the larger center. Good roads and an automobile make it much easier to establish

frequent contacts with more distant places than has ever been true in the past. On the whole, however, the New England town still represents the closest approach to a combined socio-economic-political unity of any form of local rural government in the United States.

The Town Meeting. In almost all of the New England towns, the legislative and policy-determining body still continues to be a primary assembly. In this town meeting all adult citizens are entitled to vote and to be heard from the floor on any question properly coming before the meeting. The town meeting is held annually in the spring or fall, as the state lawmaking bodies have prescribed. It is called together by a proclamation of the selectmen issued to the town constables for purposes of publicity. Originally, the constables were required to serve notice in person of the pending meeting upon each family in which there were voters. The increase in population now makes this impracticable; at the same time the wide circulation of newspapers, together with the posting of the proclamation in several public places, serves to spread the call around about as effectively as the older method.

At the opening of the session, with the town clerk or one of the selectmen in the chair, a moderator is first elected to preside for the remainder of the meeting. This is done so as to place the meeting less under the control of the selectmen and more nearly subject to the will of the citizens themselves. Election of the town officials who are to serve during the coming year usually follows the organization of the meeting. The voting is by secret ballot, and the polls are generally kept open all day. The

town meeting next proceeds to take up item by item the various things which the selectmen have decided should be placed before the meeting for consideration and action. These items are published in the call for the meeting, so that the voters have had some opportunity to study the issues prior to the meeting if they so desire. Ordinarily, the meeting cannot consider things which were not included in the call, or, if it can consider them at all, this can be done only after the items in the proclamation have been duly acted upon. The minutes of the meeting are kept by the town clerk.

During the course of its deliberations the town meeting appropriates whatever sums of money are to be spent for town purposes during the coming year and then levies a tax to cover the total of these expenditures. Frequently all of the business up for consideration cannot be disposed of during the afternoon, hence evening sessions or one or more adjourned sessions at later dates are not uncommon. Special meetings during the year may be held upon call of the selectmen or upon petition of a certain number of qualified voters, said petitions or calls always stating the purpose or purposes of the special meeting.

Though representing democracy functioning in its most direct form, the town meeting of late has faced several rather serious difficulties, thus hampering its effectiveness as an agency of local government. Theoretically, any voter is entitled to speak for or against any matter under consideration by the town meeting. Even nonvoters may be granted permission to be heard. In matter of practice, a very small number of the men are likely

to do most of the talking. Frequently caucus meetings are held prior to the town meeting for the purpose of developing one side of a pending issue. Skill in oratory has been known to swing a well-meaning but none-too-well educated and discriminating body of voters into the support of very unwise measures. Small organized cliques have been able to rush through the selection of a moderator who will favor one side of a certain proposed measure through his power of recognizing speakers from the chair. In the larger towns, where a meeting of all the voters would be unworkable, accusations of packed meetings have arisen when the hall would not accommodate all of the crowd and some of the voters were thus prevented from participating.

The influx of foreigners has complicated the problem in a good many towns; again, where there are thickly populated centers within the town, it may be difficult to pass desirable measures because of the negative vote from the rural sections that constitute the "fringes" of the town. The rural sections of New England have been ultra-conservative (perhaps in many cases wisely so) in the way of making large municipal improvements and voting higher taxes to finance them. Occasionally the existence of several hamlets instead of (or in addition to) some larger semi-urban center within the bounds of a single town serves to prevent united action in the advancement of desirable policies.

Some attempts have been made to avoid these difficulties in town government. Noteworthy among them are provisions for limiting the size of town meetings to convenient deliberative bodies of two or three hundred people.

This is done by districting the town and allowing each district a quota to be elected from its own residents based upon the population of that district in relation to the total population of the town. The development of town-planning boards or commissions, the creation of appointed or elective honorary supervisory boards to advise or administer important town activities, the provision for the appointment of a town manager as chief executive, and the granting of increased powers to the selectmen with a corresponding reduction in power of the town meeting are other attempts to meet the problems of the present day.

In defense of this form of local government, with its primary assembly of voters, it should be stated that throughout its existence, the New England town has maintained the most nearly direct democratic existence and has done better at keeping local public issues before the citizens than can be said of any other form of local government in the United States. Since 1900 the number of cities incorporated independently of town government has increased in New England from ninety-four to one hundred and two, the number of incorporated villages has risen from eighty-three to one hundred and fourteen (mostly in Vermont), and the number of towns has increased from thirteen hundred and seventy-one to fourteen hundred and twenty-three (exclusive of several towns which are now coextensive with incorporated cities). This would seem to indicate that the town is about holding its own in filling local governmental needs, both rural and semi-urban.

Town Officials. Most of the town officials are

elected. The election is commonly held during the day of the annual town meeting. The most important officials are the selectmen, varying in number from three to nine. In some cases they hold office as long as three years, one third being elected each year. In other towns all are elected annually. As is true of many of the town officials, reëlections among the selectmen over several terms seems to be a common occurrence.

In business parlance, the selectmen might be called the "board of directors" of the town, though the chairman in this case has no real power in excess of the other members. The selectmen derive their authority either from the voters as they may express their wishes in the town meeting, or from state legislatures and constitutions. Usually the selectmen are loath to inaugurate new policies without first submitting them to the people. Between town meetings the selectmen run the affairs of the town in accordance with previously determined policies. The selectmen have no power to levy taxes; this power is reserved to the people themselves. The selectmen take care of the property of the town, including public buildings, roads, drains, bridges, parks, and municipally owned utilities. Where state legislatures have so authorized, and the town meeting has given the necessary authority, the selectmen may delegate most of the actual administration of the town's affairs to a paid manager who devotes his entire time to this work. In such a case the manager is likely to have most of the appointing power for subordinate officials in his hands. In turn, the town manager is responsible to the selectmen for the way in which the affairs of the town are handled. The selectmen may act

as assessors and as overseers of the poor in less populous areas, but in many of the towns both of these functions are performed by additional elected officials.

The town clerk acts as secretary to the town meeting and to the board of selectmen. He may issue marriage licenses, and in some of the States he may record deeds and mortgages on real and personal property. He assembles vital statistics for the area and performs a number of other functions stipulated by the state legislatures —more as a state official than as an agent of local government.

The town treasurer functions both for the town and for the State. In the former capacity he is financial agent of the town, and in the latter position he receives county and state taxes and fees, remitting these to the proper officials.

Justices of the peace may be elected or appointed. They try minor criminal cases and may order the commitment of persons accused of more serious offenses pending trial by a court of proper jurisdiction. Justices may also handle civil disputes of a minor nature. The constables execute the orders, writs, or warrants of the selectmen and of the justices of the peace, in addition to their work of maintaining the peace. In some towns constables may collect the taxes in place of the treasurer.

Schools in all New England States, except in some local instances in Connecticut, are operated on a town-unit plan. That is, the town board of education or school committee, popularly elected, has control over all of the schools of the town. Much of the more exacting work of supervision they may delegate to a superintendent of

schools, increasingly appointed by the board. In towns whose population is small, arrangements have been made so that two or more such towns may join forces in employing a superintendent of schools who will serve the entire territory.

Highway officials are elected or appointed to take immediate charge of the town's roads, both in the more populous centers and in the rural areas. The selectmen commonly have some powers of supervision and control over their work. With the development of county, state, and Federal roads, the chief thoroughfares of the town may now be under the care and maintenance of other authorities. In spite of this, local streets and roads not included in these more centralized systems are numerous, and require no small amount of attention for proper maintenance and for new construction.

In colonial days a host of minor officials were either elected or appointed to look after certain details of local government. To this list have been added a number of elective boards and commissions to serve the newer interests of the town. Among the former group, fence viewers, pound keepers, weighers and sealers, and various inspectors still exist. Among the latter are library, park, playground, historical, health, and town-planning boards. For the most part, these are honorary boards whose members serve without compensation. In some instances the boards are given authority and finances to hire executive officials to promote their work.

Town Powers and Functions. Theoretically, towns possess only such powers as are specifically granted to them by state constitutions and by legislative enactments.

In practice, many towns do things beyond the specific grants of authority which they now possess, and usually continue in this way until some of the citizens object and secure court injunctions against the further performance of one or more such questionable activities. With regard to tendencies in this matter, the net result is considerably obscured by the fact that there are movements in both directions. When, for example, the best interests of the State as a whole now seem to be most effectively served by having the State itself take over a function formerly performed by local government, the latter loses to the former. In the case of certain classes of dependent persons, state institutions are becoming common, though as a general rule each town must pay at least a part of the cost of caring for its former residents who are now inmates of state institutions.

Closer state supervision over a good many activities of local government is being provided in New England States. Finance, treatment of many classes of dependent persons, public school administration, and local activities intended to preserve health are instances of this type of centralization. However, the real intent in most instances is to insist only upon higher minima, leaving opportunity for more progressive towns to develop themselves up to the limits of their resources and tax or bond-issue maxima. It is to be hoped that more local areas will view state supervision in this light instead of feeling that it is always an attempt to take away local initiative and produce unwarranted interference with local affairs.

In the other direction, towns are being given increased powers of scientific planning and zoning for future

growth. They have more and more latitude to provide for the recreational needs of their citizens. In many cases powers of taxation and special assessment have been liberalized to make available additional funds for local improvements. A list of these newer powers is included in Chapter VII.

By way of summary, it should be restated that the rural areas under New England town government enjoy the largest degree of local self-government now afforded anywhere in the United States. With a background of more than three hundred years, this town-unit system stands as a remarkable tribute to the soundness of those ancient Anglo-Saxon traditions and ideals which furnished the basis of its structure and functioning.

CHAPTER V

TOWNSHIPS

CIVIL townships are found in seventeen States at the present time. These are the smallest rural units that have some general powers of local self-government, now existing in the United States. In seven of these States[1] an organic connection between township and county government has been effected by having some township official (usually either the chairman of the town board or the justice of the peace) represent the township as a member of the county board. In the ten remaining States there is no such close connection between county government, and township, village, or city government.[2] A number of additional States use the word "township" to designate county districts of purely county or state administrative functions, or to delineate election precincts.[3] Such areas have no machinery or powers of local self-government. We shall therefore consider these latter States in our study of county government and county districts.

[1] New York, New Jersey, Michigan, Illinois, Wisconsin, Nebraska, and Arkansas.

[2] Iowa, Indiana, Kansas, Minnesota, Missouri, North Dakota, Ohio, Oklahoma, Pennsylvania, and South Dakota.

[3] Arizona, California, Montana, North Carolina, Nevada, South Carolina, and Washington.

The list of officials, and their duties, and the powers of the township differ so widely in the various States that a complete description would require a separate analysis for each State. However, for the purpose at hand, certain generalizations concerning the characteristics and functioning of township government will suffice.

Characteristics of the Township. Townships are predominantly rural areas. In all but four States[1] incorporated cities are entirely independent of the townships out of which they were set apart. Villages and boroughs, although incorporated and thus allowed additional powers and functions of self-government, more commonly remain, except in Pennsylvania, a part of the township for those purposes upon which the township has power to act. As soon as a compact settlement within a township reaches any size, it usually incorporates as a village, borough, town, or city. Thus, in Pennsylvania in 1920, about one-third of all the boroughs had populations below five hundred people each, while in Illinois over one-half (441 out of 862) of all the incorporated villages and towns had less than five hundred inhabitants each. Similar conditions exist in the other States of this group.

In population, townships show variations over wide limits. Some of these areas in the prairie States have a very small population, especially where there are no trade centers within their bounds; others, where even cities are not separated from townships for some purposes, may have many thousands of people residing in them. For example, at one extreme, there are 721 out of

[1] Illinois (except Chicago), Indiana, Nebraska, and Ohio.

the 1,781 townships in North Dakota which contain less than 500 people each; while at the other extreme, 51 out of the 1,439 organized townships in Illinois have populations of over 10,000 each. In six of the latter instances cities and townships are coextensive, and the city performs practically all the functions of both city and township government. In others there are large sections of rural territory for which the township must serve in many ways independently of the needs of the large urban places also included. In Illinois, Rockford township with a population of 75,890, and in Ohio, Canton township with 89,923 people, both contain considerable areas not included under the city governments of the same name, and for which these townships continue to serve certain needs.

In four States[1] the townships are irregular in size and shape, somewhat resembling in this particular the New England town. In the remaining States the townships, as units of local government, characteristically coincide with the boundaries of congressional townships established as a means of locating parcels of land. The typical civil township is about six miles square and contains approximately thirty-six square miles of land. The convergence of meridians toward the North Pole and the interference of large streams or lakes may prevent the areas from containing exactly the standard area of territory. Also, in the Western States of this group, where population is particularly scattered, two or more congressional townships may be combined into one civil township. There are seventeen counties in southern Illi-

[1] New York, New Jersey, Ohio, and Pennsylvania.

nois and about three-fourths of all countries in Nebraska and Missouri which do not have organized townships, these situations being products of the optional township organization laws of the States named. Especially in the hilly sections of six States in this group [1] the roads tend to follow more along the lines of early travel routes. The more common arrangement for the other States having civil townships, and in level sections of several already named, is for the roads to be laid out along the section lines, one mile apart in each direction, running up and down hill along these straight lines quite indifferent to transportation demands of easy grades and most direct routes from place to place. It is interesting that in the development of arterial highways under state and Federal guidance, rigid adherence to section lines is being abandoned in favor of locating these through roads in accordance with the terrain and the shortest feasible route for the convenience of the users.

The mid-western township has little in its arrangement which coincides with and serves to intensify or build up any feeling of unity within its bounds, or to develop much loyalty toward its government. The farmers' trade center, in contrast to its generally more central location in the New England town, may be at the edge of or in an entirely different township. Since this trade center is almost invariably incorporated for its own local governmental purposes, the farmers and townspeople feel as though they had little in common and much in conflict politically as well as otherwise. A unit as artifi-

[1] Arkansas, Missouri, New Jersey, New York, Ohio, and Pennsylvania.

cial as the township so frequently is, rarely if ever achieves much strength as a self-governing entity. Professor Fairlie presents the difficulty in the following passage:[1]

> Again the artificial form of the township in the Middle-West has been of no little influence. Certainly in these states the township often lacks the social unity of the New England town. A village may develop in one corner of a township, and become the local market for two or three adjacent townships, while the distant farmers of its own township trade in the village of another. In other cases, a village may grow up across a township line, and the political line of demarcation must be followed, although there is no separation of real interests between those who live on either side. In states where the villages are entirely independent of the townships, the incorporation of a village leads to the location of the hall for township meetings in an out of the way place. Under these conditions the political unit does not accord with the economic and social centers of activity.

Although the laws of the several States define the powers, duties, and opportunities of township government clearly, it is not surprising to find, in actual practice, little interest shown by the voters and little really constructive activity attempted.

Township Meetings. Township meetings are provided for by Constitution or statute in seven States.[2] The time of meeting is fixed usually by statute, being

[1] Fairlie, *op. cit.*, pages 173–174.

[2] Illinois, Michigan, Minnesota, North Dakota, Nebraska, New York, South Dakota, and Wisconsin.

held annually either in the early spring or late fall. In New York the township meeting is held biennially. Township meetings have much restricted powers and opportunities for local self-government as compared with town meetings in the New England States. Their most important function at the present time is the election of officials. Except in New York, the township meeting has the power to levy the local tax to meet the appropriations it has made. Appropriations in excess of the stipulated tax-rate usually require ratification by ballot of a majority of all the electors or property-owners before they may become effective. If the township meeting should fail to levy a tax, the town board may do so in Michigan; but this provision is not found in the other States. In New York the county board levies the township tax as well as the county tax. In several States at present the township meeting is little more than a local election, for the electors merely vote on candidates for office and on a series of propositions to be acted upon by popular choice. This is done at local polling-places instead of assembling at the township hall in a formal meeting. Townships whose populations are large are especially likely to resort to this method of holding a "meeting."

Professor Fairlie has made some study of the number of people who attend township meetings as one measure of the importance of township government in the minds of the people. His results show great variations of interest, running all the way from cases where no meetings were held, or where no voters appeared to attend a meeting, to instances where virtually the entire population of the township otherwise qualified to vote came to the

township meeting. Certainly the number who attend is usually much less proportionally than is true in the New England town meeting.

In addition to reasons already given for this apparent lack of interest, Professor Fairlie ascribes the presence of large numbers of naturalized immigrants who, with no previous experience in local self-government by means of primary assemblies, seem to prefer representative government instead. Finally, the inadequate governmental powers accorded to townships practically force most villages to incorporate, thus removing from the township meeting a large part of the business which occupies the attention and commands active participation of citizens in New England towns.[1]

Township Officials. Township officials differ widely as to number, functions, and titles in different States. Supplemental to township meetings where they occur, or possessing power to act in the name of the township in States where no popular meetings are held, is a township board. This board most frequently consists of the township officials, though in Indiana it is composed of three men specifically elected, and in Missouri two elected members and the township trustee *ex officio* make up the board. Board members are variously called supervisors or trustees. The board commonly authorizes payment of claims against the township, and possesses general power of audit over the accounts of any officials handling township funds. In several States, the township board levies the tax. It may set out road or other improvement districts, alter school boundaries in a few States, serve as a

[1] See also Table 16, page 116 and accompanying description.

local board of health, provide a limited amount of outdoor poor relief, and serve in lieu of other specially appointed highway officials. It is a tax-equalization board of the first instance in several States.

In eight States,[1] in addition to the township board, there is a real administrative head of the township government, elected to this position and serving somewhat in the capacity of a general manager, though with much restricted powers. He may or may not be a member of the township board. The duties of this official are numerous, involving in various States such functions as tax assessing, poor relief, road district divisioning, treasurer, township clerk, school-district clerk (when the school district and township are identical as to area), agent for the prosecution of penalties unsettled and due the township, election official, and so on. Legislatures may by statute require this official to perform certain duties as a local administrator of state government.

Where no other official is designated for the task, tax assessors are usually elected, though occasionally, as in Arkansas, this work may be in the hands of a county assessor. Township assessors vary in number from one to three per township. A local board of review for tax-equalization purposes, consisting of one tax assessor and two other persons elected to serve with him, is provided in some States where the township board does not act in this capacity.

Treasurers are elected, or some other official is named an *ex officio* treasurer, in all townships. These persons

[1] Illinois, Indiana, Kansas, Michigan, Missouri, New York, Oklahoma, and Wisconsin.

generally receive all state, county, and local taxes, paying over to the higher authorities their parts of the tax money collected, and paying out local funds upon approval of the township board. In a few States some county official may perform the work of tax-collecting and pay over to the township treasurer the amount due that area out of the total taxes collected.

Justices of the peace and constables are elected in all townships, the former numbering from two to five per township and the latter usually but one. The justices of the peace are not required to be practising lawyers, hence their jurisdiction is confined to very minor crimes or misdemeanors and to minor civil disputes. They may issue warrants of arrest in cases of major crimes, and may bind over suspects to the next session of the grand jury. Justices of the peace usually possess other powers of limited nature, such as performing the marriage ceremony and acknowledging legal documents. In a number of States they are members of the town board; in Arkansas and Missouri they constitute the county board.

Road supervisors may be elected for the township as a whole, by road districts, or they may be appointed by the town board. In some cases other township officials may serve in this capacity. These officials now have much less to do than formerly because of the centralization of highway systems under state control. Occasionally, in some suburban or other rather populous townships their work may still involve considerable sums of money, but these cases are hardly typical.

A few additional minor officials, largely taken from the long list of the New England town, are found here

and there in township government. However, the positions are of much less importance than their prototypes, and, for the most part, conditions have not seemed to warrant the wide establishment of such functionaries in township government.

Township Powers and Functions. State laws commonly give townships the powers of acting in a corporate capacity within prescribed limitations, of owning, buying by condemnation proceedings if necessary, and selling real estate or improvements thereon, for the furtherance of permissible township activities. Many townships have built halls, usually in close proximity to the geographic center of the area. The hall is used for township meetings, elections, offices for township officials, and so on. In a few States these halls may now be used for, and in some cases are specifically designed to serve as, community buildings. Usually, however, legislative enactment is necessary before townships can use their buildings for such a purpose. Townships have limited powers of taxation and of borrowing money for the improvement of roads, building of bridges, and providing the town hall.

In some States the township is also a unit for school administration either by general state law or through consolidation of all the school districts within a particular township. In such cases the school township remains an entirely separate municipal corporation from the political township. In Indiana one or more officials of the latter are *ex officio* school administrators, though the two corporations are kept distinct otherwise.

Most townships have some authority to grant poor relief. This may consist either of small amounts of out-

door aid, or a recommendation for commitment to county or state eleemosynary institutions. The tendency is to circumscribe outdoor relief by means of more or less strict county and state supervision for the purpose of eliminating frauds and at the same time to provide more nearly adequate relief or rehabilitation of worthy dependents.

Township boards have some control over the abatement of nuisances, the promulgation of regulations to prevent the spread of infectious diseases or pests of any kind, and in many States may appropriate small sums of tax money to enforce their regulations.

Recently, in a number of States, townships have been granted authority to provide for the newly recognized public educational, social, health, and recreational needs of the adult population in a more adequate manner than heretofore. A discussion of the significance of these newer powers in the light of the ability of townships to meet the local governmental requirements, as set by present-day needs, is taken up later.[1]

[1] Chapter VIII.

CHAPTER VI

THE COUNTY

IN contrast to the township, the county is found in every State of the Union.[1] It is much larger in area and generally more populous. With but few exceptions, counties include such urban places as occur within their bounds, though there are widespread indications of a movement to separate the largest urban places and form county equivalents of these. Township boundaries never cross county boundaries, but an incorporated place may include parts of two or more townships, or counties, and occasionally even parts of two States.[2] Where the city includes parts of two or more counties in the same State, one municipal corporation serves the whole area. Where a state boundary line is involved, separate municipal corporations are necessary for the parts of the city that lie in the separate States. Of course, for county purposes, each area functions along with the rest of the county of which it is a part, regardless of the fact of municipal incorporation. Formerly school districts were not permitted to cross county boundaries, but more recently several States have made provision for extending a single dis-

[1] In Louisiana this unit of government is called the "parish."

[2] Bristol, Tennessee-Virginia, and Texarkana, Arkansas-Texas are examples of this.

trict over a county line if the educational interests of a locality can be served to greater advantage by this arrangement.

General Characteristics of the County. In area, counties vary over wide limits. New York county, New York, with an area of 22 square miles is the smallest in physical extent, but its territory is entirely urban. Arlington county, Virginia, occupied almost entirely by suburbs of Washington, District of Columbia, has an area of 31 square miles. Outside of urban areas, the smallest unit is Nantucket county, Massachusetts, containing 51 square miles. The largest is San Bernardino county, California, having the huge total of 20,175 square miles within its bounds, or more than the combined land area of the States of Massachusetts, Connecticut, and Rhode Island.[1] There are also great variations in sizes of counties within a single State. In Nevada this ranges all the way from Ormsby county, of 156 square miles, to Nye county, with 18,294 square miles; or in Massachusetts from Nantucket county, previously mentioned, to Worcester county, with 1,556 square miles. The situation for the United States as a whole is seen in Table 2. The greatest single group is composed of those counties with 500 to 1,000 square miles of territory.

Likewise, as to number of inhabitants, counties show great extremes. In 1920, Crane county, Texas, boasted 37 persons, while Cook county, Illinois, returned an enumer-

[1] All statistical data in this chapter are taken from the 1920 Census of Population in the United States, Vol. I.

TABLE 2. Percentage distribution of all counties in the United States classified by their land areas.*

	LAND AREA IN SQUARE MILES							
	Under 500	*501 to 1000*	*1001 to 1500*	*1501 to 2000*	*2001 to 3000*	*3001 to 4000*	*Over 4000*	*Total*
	Per cent	*Per cent*	*Per cent*	*Per cent*	*Per cent*	*Per cent*	*Per cent*	*Per cent*
Proportion of all counties in the U. S. ..	32.7	45.7	9.4	3.7	3.5	1.8	3.2	100.0

* From U. S. Census, 1920. Vol. I. Population.

ation of 3,053,017 persons. There are several more counties whose populations run well into the hundreds of thousands, and a few contain more than a million inhabitants each. The majority of these densely populated counties include solely urban territory, this being true of New York, Bronx, Kings, and Queens counties, N. Y.; Baltimore City county, Maryland; and Denver county, Colorado. Cook county, Illinois, on the other hand, contains a considerable area of farming country, many small towns, and a few fair-sized cities in addition to the metropolis of Chicago—all under the one unit of county government. The range of population by counties for the United States is shown in Table 3. From 10,000 to 20,000 is by far the most frequent population group for counties.

The headquarters of county government are usually located in some town or city more or less convenient to the entire area. Rarely is this location in the open

TABLE 3. Percentage distribution of all countries in the United States classified by their populations in 1920.*

POPULATION IN 1920	PROPORTION OF ALL COUNTIES IN THE U. S.
	Per Cent
Under 10,001	24.1
10,001– 20,000	32.9
20,001– 30,000	20.0
30,001– 40,000	8.4
40,001– 50,000	3.9
50,001– 75,000	4.3
75,001–100,000	1.9
100,001–250,000	2.9
250,001 or more	1.6
Total	100.0

* U. S. Census 1920. Vol. I. Population.

country, for if it was thus located long ago, a town has usually sprung up around it during the intervening years. This county seat, especially in the Southern States, is frequently the trade and financial center of the county as well. The county comes much nearer to including people whose commercial interests and other activities tend to center within the bounds of the political area than is true of the township. On the other hand, where urban centers are sufficiently numerous or populous to control county government, as is often the case, the rural people are left without any local government that is really their own, unless there is a rural unit smaller than the county in the State concerned. The county area is too large, as a rule, to permit much face-to-face association in political affairs. "Log-rolling" is often practised

by parts of the county to obtain concessions desired by them instead of considering the welfare of the county as a whole. Socially, the typical county is anything but a strong unit to-day.

Types of County Government. It is possible to classify counties in several different ways, based upon governmental organization and the extent of powers that they possess. For example, if we take the governing body having any legislative powers in the county as a basis, we may distinguish three types. The first type has a relatively large county board of supervisors, the second has no legislative body, the third has a small board of county commissioners. Large boards are found in twelve States.[1] In Delaware and Virginia the board is composed of representatives from a rather large number of election precincts. In Arkansas, Kentucky, Missouri, and Tennessee the board consists of the justices of the peace within the county, with the county judge in most cases sitting as chairman. In the remainder of this group the board is usually made up of one representative from each township, one from each incorporated village, and one from each ward of an incorporated city. Typical boards of this type contain from eight to perhaps thirty members. The number depends entirely upon how many areas of local representation exist within the bounds of a particular county. At the upper extreme, a few of these boards of supervisors contain more than fifty members each. On the other hand, certain counties in most of the States in this group have boards of but three to five

[1] Arkansas, Delaware, Illinois, Kentucky, Michigan, Missouri, Nebraska, New Jersey, New York, Tennessee, Virginia, and Wisconsin.

members. The situation in these latter counties results either from the fact that a small number of areas serve as units of representation within the county, or from local laws that provide for the establishment of small boards in specific counties. On the surface, at least, it would seem that relatively large county boards would be more truly legislative in character than might obtain with smaller groups having legislative authority. In practice, however, such evils as "log-rolling," filibustering, and other obstructionist tactics, and the rather unwieldy character of very large boards, prevent them from doing as well as might be expected of them. Furthermore, the cost of a large county board of supervisors is generally much greater than obtains with small boards of county commissioners, even though the latter may have many more meetings during the course of a single year.[1] The real value of large county boards is being increasingly called into question.

Two States have no county boards—Rhode Island and Georgia. In the former case, local functions usually delegated to such a body are delegated to the towns. In Georgia the county judge exercises most of the general functions and duties usually handled by a county board, except that for certain purposes the state legislature may appoint specific boards to serve. In Vermont two local judges act as county administrators for a few purposes, but in total their powers are too restricted to class their work as comparable with that of other county boards.

In the remaining thirty-three States there is a small

[1] M. Slade Kendrick, "Comparison of the Cost of Maintenance of County Boards," Cornell Agricultural Experiment Station Bulletin 484, June 1929. Ithaca, New York.

county board of from two to seven members, the lower numbers being more popular. These boards are usually popularly elected, at large or by districts. A few exceptions to this practice should be noted. In Oregon the county court of two commissioners functions both in matters of probate and as a county board. In Louisiana the authority exercising these powers is called the police jury. It is elected by wards or beats within the parish, but, except for differences in terminology, there is little variation from the typical board of other States in this group.

In the second place, we may classify the counties upon the extent of local self-government powers which they possess. On this basis, New England shows the least strength, for here the county has almost no such powers. In the Southern and Western States we find the greatest degree of local self-government within the county. In the remaining States the degree of self-government enjoyed is somewhere between these two extremes.

In the third place, a classification based upon the types of localities in which the people reside shows that counties containing both urban and rural districts predominate in number. There are a few counties in almost every State which contain no incorporated places, and hence appear to be practically 100 per cent "rural" at least so far as the census viewpoint is concerned. San Francisco county, California; Denver county, Colorado; Baltimore City county, Maryland; St. Louis county, Missouri; and nineteen "city-county" units in Virginia are of another type where a city and a county have been made coextensive. New York City, at the head of this

TABLE 4. Enumeration of County Officials for Each State Showing Method of Election.

STATES	County Board	County Judge	Probate Judge	Registrar of Probate	Prosecuting Attorney	Sheriff	Coroner	Clerk of Court	County Clerk	Registrar of Deeds	County Auditor	County Assessor	County Treasurer	County Surveyor	Superintendent of Schools	Superintendent of Poor	Health Officer
Alabama	5 E	P	E		M	E	E	E	—	P		E	E	A	E		A
Arkansas	X P	E	P		M	E	E	E	E * P *	P		E	E	E	E * A *		A
Arizona	3 E	—	E		E	E	E	E	E *	E *		E	E	E	E *		A
Colorado	7 E	E	P		E	E	E	P	E	P	E	E	E	E	E	P	A
Conn.	3 E	E *	D		M	E	E	P	E	P		E	E	E	E		P
Delaware	3 A		E	E	A	E	A	A			A		A		D		A
Florida	10 E		E		E	E	E	E	P	E			E	E	A		A
Georgia	5 E	E	P		M	E	—	E		P		E	E	E	E	A *	A
Idaho	P	E *	P		M	E	E	E		P		E	E	E	A		P
Illinois	3 E		E		E	E	E	E	P	P	P	E *	E	E	E	A	A
Indiana	X E	E	E *		E	E	E	P	E	E	E	E	E	E	A		A
Iowa	3 E	E *	E *		E	E	E	E		E	E		E	E	A		A
Kansas	7 E				E	E	E	E	P	E	E *		E	E	E		A
Kentucky	3 E		E		E	E	E	E	E	E		E	A	E	E		A
Louisiana	9 P	E	P		E	E	E	E	E	P		E	E	E	A		A
Maine	12 E				E	E	E	P	E	P			A	E	D		A
Mass.	3 E		E	E	E	E	P	E	P	E			E	—	D		—
Maryland	3 E		A		M	E	A	E	P	P			E	—	D		—
Michigan	7 E		E		E	E	E	P	E	E	E *		E	E	A		A
Minnesota	X E		E		E	E	E	E	E	E			E	E	E		A
Miss.	7 E		E		E	E	E	E	P	E			E	E	E	A	P
Missouri	5 E		P		M	E	E	E		E	E	E	E	E	E	A	A
Montana	X P		E		E	E	E	E	E	E *	E *		E	E	E		A
Nebraska	3 E				E	E	E	E	E	P	E *	E	E	E	E		P
	5 E	E	P		E	E	E	E	E	E *			E	E	E		P

Nevada	3	E	—	P	—	E	E	P	P	E	E	E	E	E	E	E	—	—
N. H.	3	E	—	A	E	E	E	A	A	P	E	A	—	E	—	D	—	—
N. J.	9	E	A	E	—	A	E	A	P	E	E *	A	—	A	—	A	E *	—
N. Mex.	3	E	—	E	E	M	E	P	E	—	P	—	E	E	E	E	—	P
New York	X	E	E	E	—	E	E	E	P	E	P	E *	—	E	—	D	E	—
N. C.	5	E	—	—	—	M	E	E	E	P	E	—	—	E	E	A	—	A
N. Dakota	5	E	E	E	—	E	E	E	E	P	E	E	E *	E	E	E	—	A
Ohio	3	E	—	E	—	E	E	E	E	—	E	E	P	E	E	A	E	—
Oklahoma	3	E	—	E	—	E	E	E	—	E	E	—	E	E	E	E	P	—
Oregon	2	P	—	P	—	M	E	E	P	E	E *	E *	E	E	E	E	—	—
Penn.	3	E	—	E	E	E	E	E	E	P	E	E	E	E	E	A	E *	—
R. I.	—		—	—	—	—	A	—	A	—	—	—	—	—	—	D	—	—
S. C.	5	E	—	E	—	M	E	E	E	P	E *	A	—	E	—	E	—	—
S. Dak.	5	E	E	P	—	E	E	E	E	P	E	E	E *	E	E	E	—	A
Tennessee	X	P	E	P	—	M	E	A	E	P	E	P	E *	E	A	A	A	A
Texas	5	E	E	P	—	E	E	—	E	E	P	—	E	E	E	E	—	A
Utah	3	E	—	—	—	E	E	—	P	E	E	E *	E	E	E	E	—	—
Vermont	2	P	E	D	—	E	E	—	A	P	—	A	—	A	—	D	A	—
Virginia	10	E	—	P	—	E	E	A	P	E	P	—	E	E	A	A	A	A
Wash.	3	E	—	P	—	E	E	E	P	E	P	E	E	E	E	E	—	A
W. Va.	8	E	—	—	—	E	E	A	E	E	—	—	E	—	E	E	A	A
Wisconsin	X	E	E	P	—	E	E	E	E	E	E	P	E	E	E	E	—	A
Wyoming	3	E	—	P	—	E	E	E	E *	E	P	—	E	E	E	E	—	P

(Note: Data for above table modified from Fairlie, *op. cit.*, page 71, and from recent compiled statutes for each State.)

Numerals in first column to right of state names indicate maximum number of members on boards of county commissioners for these States.

X Large county board of supervisors. Exact number varies widely within each State.
A Official appointed by county or state authorities.
E Official popularly elected.
P Duty of this office is performed by some other county official.
D Official chosen from a district smaller than a county, usually a town or a township.
M Official elected from a district composed of two or more counties.
* This office as indicated occurs in some counties only. Other symbol indicates method of filling the office in the counties where it occurs.
— Not a county office. Function performed through some other unit of local government.

urban type, contains four counties, entirely urban in character, within the one municipal corporation of the city of New York, as well as parts of several other counties. In these cases of 100 per cent urban counties, many of the city and county functions are combined in the hands of fewer officials than in those cases where county and city are not identical in area.

Officials. The number, duties, term-length of offices, and methods of selecting office-holders are far from standardization in the various States. Furthermore, there may be considerable variations between counties in any one State in these matters. In order to give a summary of the general situation, a table in Fairlie's book has been modified somewhat and brought down to date. The term of office varies in length from two to six years. In many of the Northern and Eastern States the complete list of officials is rarely elected at one time. In the Southern and Western States the tendency seems to be for a standard two- or four-year term for all officials, the entire list being voted upon at one election.

In a very few instances there is one county official who is the real administrative head of county government. Ordinarily the chairman of the county board has no more powers of administration than have any other members of the board. The exceptions are found chiefly in the South,[1] where the county or probate judge is the chairman and further serves somewhat in the capacity of county manager, but with very limited control over most of his subordinates, who are themselves popularly elected. Some large urban counties have chief executives,

[1] Arkansas, Alabama, Georgia, Kentucky, and Tennessee.

permission for this change having been secured through special legislative enactment. A county-manager plan, modeled after the city-manager plan, is being widely advocated, and at present is possible by optional local adoption or home-rule charter adoption in a few States.[1] This involves the election of a small county board of commissioners, who in turn hire a county manager. In some cases both the county board and the county manager are elected by the people. The former plan is generally preferred, because it concentrates authority more and involves an indeterminate term of office for the appointed county manager. In either plan, most of the minor administrative officials are appointed by and are responsible to the county manager.

Powers and Functions. It is not the purpose of this study to enter into a prolonged discussion of the various powers exercised by and the functions served through the instrumentality of county government. Such descriptions are readily available in standard texts on the subject. Rather, we shall enumerate certain of the more important powers and functions of counties in accordance with one of our earlier classifications, and then emphasize a few of these as a basis for the subsequent discussion of governmental reorganization.

Counties possess only such powers as have been specifically delegated to them by the constitutions and legislatures of their respective States. The residual or unenumerated powers reside in the state governments and there remain, until legislatures (or the people through the initiative) choose to turn over certain ad-

[1] California, Maryland, North Carolina, and Virginia.

ditional powers to the counties. This is also true of townships and incorporated places, except where the latter have acquired some privileges through local home rule. When new things need to be done, for which the county has no authority to act, two avenues of approach in securing the required authority are available. A local law, applying only to the one county, may be passed by the legislature giving this particular county sanction to do the desired thing, or a general law may be passed granting to all counties in the State or to a classified group of counties the new extension of power involved. Of the two methods, the first has been much more frequently used and is still in vogue in spite of various constitutional and legislative restrictions against the passage of purely local laws. To show the possible extent of this evil, Professor Branson points out that from 1921 to 1925 the North Carolina state legislature passed 8,274 such local laws. With regard to the problem which this creates, he says:

> For Robeson county, just to cite an instance, one hundred and forty-seven laws were passed, knocking down, setting up, and amending various details of local government during the period named. . . . This endless tinkering with county laws makes it impossible for county officials to keep up with the changes. They therefore throw up their hands in despair, and pursue the even tenor of their ways, according to use, wont, and custom, quite regardless of the law whatever it may chance to be. As a result, county government in this state is both headless and lawless.[1]

[1] Branson, E. C., "County Government Laws," University of North Carolina, News Letter, Vol. XII, No. 47, Oct. 6, 1926.

The powers and functions of the county are the most limited in New England. Here the county is primarily a state administrative area; the towns possess most of the powers of local self-government that are accorded to counties elsewhere. The New England county is a unit for the administration of justice, and though several counties may constitute a judicial circuit, court sessions are held in each. The county serves as a tax-equalization unit as between its constituent towns and incorporated places. It commonly provides a jail, a poorhouse, and sometimes other institutions for the care of delinquents and dependents. It is ordinarily a unit for a probate court, although in Vermont the county may be subdivided for this purpose, and in Rhode Island each town has its own probate judge.

In those States in which the county board is made up from township officials we have the next least important form. The township's powers are much restricted as compared with the New England town, and the county has about a corresponding increase. The county is likely to have more control over roads and highways, local health and sanitation, and to have some powers in the providing and maintenance of county-wide schools, parks, and memorials. In New York the county levies the township tax as well as its own, and in Michigan it may do so in case the township fails to levy a tax. A county superintendent of schools has some power in controlling and supervising the local school districts. The sheriff and his deputies have more of a task in maintaining the peace in addition to serving as court attachés, for there are fewer subordinate law-enforcement officials in counties of this type.

Poor relief, both outdoor and institutionalized, is more closely concentrated into county channels. As in New England, the administration of justice and probate are county functions, with the exception of very minor criminal and civil actions coming before the township and village justices of the peace.

In the group of States that have both county and township, but with no real connection between them, the lines of activity carried on by the county, as mentioned in the preceding paragraph, are yet further enlarged. The county is now by far the most important agency in enforcing state laws, administering judgment, in providing a probate court, and exercising more control over the educational system.

The absence of townships in Southern and Western States places all local government functions outside of those performed by incorporated places of various types directly in the hands of the county officials. In several Southern States, to prevent political domination by the colored race, county government is largely under the control of the state legislature and possesses comparatively little power of independent action even in matters of purely local concern. This concentration reaches the extreme in Georgia, but is also noticeable in Alabama, Mississippi, Tennessee, and Kentucky. At the other extreme, limitations upon passing local bills by the state legislature, combined with much more generous grants of authority for local home rule, give counties and incorporated places in the Far West the freest rein to govern themselves as they please.

CHAPTER VII

RURAL-DEVELOPMENT LEGISLATION

NATURE OF RURAL-DEVELOPMENT LEGISLATION. Rural-development legislation has for its chief purpose the enrichment of rural life. It gives added opportunities for local self-government in rural areas. Since the time of earliest colonization, local government has played a major part in providing facilities for the maintenance of peace, administration of justice, elementary and later high school education for the coming generation, care of local roads and bridges, and at least minimum care for the dependents and delinquents within its bounds. Many of these functions are more or less neutral as concerns social progress. In the past it has been rather generally assumed that individual initiative without specific governmental aid would insure progress. Especially with the increased complexity of social life brought about by the machine age and other advances and discoveries of modern civilization, more and more demands are being made upon all forms of government that these assume positive leadership in providing better things for all people.

Individual self-interest is evidently not powerful enough in the lives of many people, or it has been so stifled by economic oppression or other handicaps that

vast groups in the United States do not enjoy many facilities for better living which are most efficiently provided through united action. Thus, some sections of nearly every State have been able to progress far more rapidly than have less-favored localities in the same State. Democracy has been hindered by the existence of these inequalities, whatever their cause. For the rural areas, developmental legislation of the type we are to study in this chapter has been devised to help in some measure to overcome such inequalities.

Rural-development legislation reaches into many fields of activity. Some of this legislation has been suggested by corresponding attempts to meet certain urban conditions. Other legislation in this field has been developed directly out of rural needs. Among the former class are the acquisition of fire-fighting equipment, hospitals, libraries, parks, playgrounds, swimming-pools, gymnasia, boulevards, etc. Among the latter class are the development of special agricultural schools, agricultural extension, home demonstration, boys' and girls' club project work, county agricultural experiment farms, county fairs and exhibitions, and the control of weeds, predatory animals, and diseases that affect farm animals and crops.

Before attempting an enumeration of existing rural-development powers by individual States, it may be well to describe some of the more important general characteristics of these provisions. In spite of the wide diversity of these laws as between States, it is possible to discern a number of rather well-defined tendencies.

It should be borne in mind that residual jurisdiction

and powers lie with state government and its policy-determining body, the legislature. All newer legislation in the field with which we are dealing is practically certain to involve additional grants of power to local subdivisions of state government; that is, in so far as these provisions are not obligatory as to their adoption, they mean more home rule. State legislatures have usually shown themselves to be jealous of any proposed enactments that might tend to reduce their own powers of government. It has therefore been much more difficult to secure the enactment of state-wide permissive bills than of measures that apply only to specific units of local government, through the old log-rolling method of swapping votes.

Utilization of Existing Facilities. There has been a marked tendency in States that have town or township government to intrust these units with the establishment and control of many facilities for rural development. When county government is the smallest rural unit, most of these means for making rural life more attractive are put upon a county-wide basis. Also, outside of New England, if one township is too small to function effectively, the county is sometimes made to serve instead. In so far as these existing areas are real economic and social units for the purpose at hand, this can be said to be good practice. In fact, in order to save some of the complications that are due to overlapping boundaries of areas organized for different specific local purposes (*e.g.*, special taxation districts), it might be well to use the existing units even at some sacrifice of a more nearly ideal area.

There is a marked tendency to use existing officials for these new functions wherever such an arrangement can be worked out. For example, there is much to be said in favor of the county board of education also serving as a county library board; or for the present tax assessor to assess property for new functions as well as for the usual local government purposes. The local school board assumes new functions when the school building and its equipment are used in furtherance of adult education or for civic-center activities. The county board of health, in coöperation with the county board of education, has larger duties with the establishment of a system of visiting nurses and medical inspections for all school children. In building a new town hall or county building or perhaps a new school building, permissive legislation may grant power to add space and equipment for libraries, public rest-rooms, community halls, and other facilities for community development and recreational activity. This means that the officials in control of such property have added supervisory work. For the most part, assignment of new tasks to already existing official positions has worked out fairly well. In some instances, however, the existing units or officials did not represent or include groups of people who should be reached. This nullifies the possibilities of the effort and gives the whole movement a bad name in that part of the State.

Permissive Feature. Rural-development legislation is likely to be permissive in character rather than to require adoption by the local areas to which it applies. The legislative enactment may be adopted either by the existing governing body of the local area, or by popular vote

of its residents, depending upon the method prescribed in the statute. If there be no present unit, adoption usually comes by the organization of a new district, after a petition carrying signatures of property-owners representing a stipulated proportion of the property values of the proposed area, or of a majority of the local residents, has been presented to and approved by the county board or the county judge. Such permissive adoption gives sanction to the more progressive areas to carry out comprehensive programs of rural development in accordance with the wishes of local taxpayers or voters. It is a real disadvantage in some sections, especially where farm tenants predominate and landlords are non-resident. In such cases tenant areas often lag behind and the evils of that system become evident. The stimulus of state or Federal aid (as in the teaching of vocational agriculture and home economics under the Smith-Hughes plan) may prove sufficient to overcome the more pronounced handicaps of permissive adoption.

In the most vital of these matters, such as the establishment of rural high schools, it would seem that compulsory adoption, plus graduated state aid, will have to be employed. Otherwise, economically prosperous rural areas will use these facilities and state grants to a larger proportional degree than will many of the less-favored sections where needs are generally more acute and local progress is more difficult.

Tax-rate and Bond-issue Limitations. It is common practice for the State, either in its Constitution or by legislative enactment, to limit both the tax-rate and the amount of bonds which may be issued by any and all

local government areas. In practice, there are wide variations in the latitude accorded local areas. The restrictions may apply to the total financial obligations of the municipality, or they may include a specific maximum for each function necessitating tax levies or bond issues. Sometimes these restrictions permit not more than a stated maximum percentage increase in tax levies or budgets for any year over the one immediately preceding. Wasteful and unwise expenditures doubtless motivated these restrictions upon spending.

An example of the vagaries of such restrictions may be seen in the recent experience of Arkansas. In 1924 the people ratified a constitutional amendment which prohibited any local government unit, except special taxation districts organized for one specific purpose, from issuing bonds or otherwise going into debt for any purpose whatsoever save to fund their then existing floating obligations. For retirement of bonds issued to fund these existing debts the areas concerned might impose an added tax of not more than two mills to the rate otherwise determined. Under such drastic restrictions it was found that a city could not purchase even such essentials as more fire-fighting equipment or provide additions to a municipal water plant unless it could pay spot cash for the improvement. A county could not build a new courthouse or jail except by accumulating sufficient cash in advance to pay the entire cost during construction (almost a governmental impossibility), or by going through a most cumbersome process of establishing a special improvement district for this specific purpose. In some instances this plan required a local legislative enactment

to legalize such a district, none having been provided for by law previously.

In 1926 another constitutional amendment was passed by a large majority, allowing cities and villages which are incorporated to become indebted, subject to popular vote, for municipal improvements of a general nature. Counties were still badly crippled in their ability to provide permanent improvements. In the fall of 1928 the people voted favorably upon a third constitutional amendment extending the municipal bonding privilege to counties, thus practically going back to the situation which existed prior to 1924. Limitations upon the amount of bonds to be issued and the tax-rate allowable for local purposes are still in effect as formerly. A few States stipulate that prescribed maxima of tax-rate and bonded indebtedness may be exceeded by a certain amount if the citizens vote in favor of the increase by an unusual majority. This latter method would appear to be more to the point than the form of restriction attempted in Arkansas.

Centralized Supervision. Many laws to permit the establishment of rural development facilities of one kind or another contain clauses requiring county or state supervision of some form. County library systems in many States have considerable supervision at the hands of a state library commission. This applies especially in the selection of a librarian and to securing approval of library building and equipment plans before bond issues to finance them can be offered to the public. County agricultural high schools and Smith-Hughes schools are required to meet certain standards set by the state board

of education, and, in the latter case, standards set by the Federal Government. Plans for county hospitals must be approved by the state board of health. Special improvement districts may be required to submit their plans and specifications of intended improvements to the proper authorities for approval before bond issues to finance these propositions may be legalized. Plans for new school buildings, or additions or alterations to existing ones, if these are under the control of units below the county in size, may require the approval of county or state authorities before they can be put into effect. All these limitations are intended to serve two purposes—first, to help local areas obtain really expert aid in planning their improvements; and second, to prevent the squandering of public funds on ill-advised ventures or needlessly costly experiments. When such state supervision reaches the point that its standards have a deadening influence on local initiative or bring too much uniformity, then there is need for a change in the system. A lack of expert supervision rather than too much of it has been characteristic of the past.

Consolidations. When existing units are obviously too small to provide some types of rural-development facilities, state legislatures have sometimes authorized consolidations of two or more districts, towns, townships, or counties for the specific purpose at hand. Building and operating large rural schools, agricultural high schools, hospitals, sanatoria, libraries, homes for the aged and infirm, jails, reformatories, and so on; and the providing of such helpful facilities as school supervisors or superintendents, traveling-library systems, medical-inspection

services, plant or insect control, are cases in point. Administration of these jointly owned and operated institutions and agencies is vested in a board representative of the coöperating areas. Where provided for by law, these consolidated units are commonly established by popular vote, a simple majority in each separate unit to be consolidated being necessary to carry the proposition. As defeat in one of the voting areas means defeat of the whole plan, the importance of a thorough campaign to educate the voters prior to an election, especially in the less progressive sections of the proposed joint area, is obvious. In many States, provision is made whereby school consolidations may cross township and county lines. In New England, adjoining towns in two or more counties may also pool their resources for a number of purposes. Adjoining counties may unite for specified lines of work in a few States, or special districts may cross county lines. In no case do these joint areas extend across state boundaries. Again, as a general thing, provisions of this type are to be commended.

New Units. There are some instances where no existing governmental unit seems well fitted to serve a proposed function about to be accorded to local areas. This is most clearly seen in the establishment of special improvement districts, of which drainage, irrigation, road, levee, fire protection, and forest reserve are examples. Part of the necessity of such an arrangement as this comes from constitutional limitations upon the taxing and bonding power of already existing governmental areas, so that they are not able to raise funds for the additional activities proposed. Of course, each special

taxation district has governing power only for the facility the providing of which it was specifically organized. Some of our perplexing taxation problems and other complications of local government come out of the multiplicity and overlapping of these special taxation districts in many localities.

Larger Grants of General Powers to Old or New Units. Two States, California and Maryland, allow counties to draw up their own charters of local government and thus give to counties wide opportunity for the development of new powers and addition of functions, as well as changes in the traditional forms of government and the existing administrative staffs. North Carolina now provides an optional county-manager plan of government for counties electing to make the change, and Virginia has a somewhat similar plan under consideration. Officials whose duties are chiefly administrative in connection with state-determined policies are required to be maintained in any case, though in California most of them may be made appointive instead of elective if the charter framers and voters so decide. While only a few counties in each of these States have changed to the new system, a forward step has been taken which will doubtless be copied by other States and more counties locally within these States in the near future. Individual counties in several States have changed their forms of government by special legislative enactments, but these have been almost entirely confined to counties whose problems are primarily urban rather than rural. A case of this type, where even a constitutional amendment was passed to afford relief, recently occurred in Virginia.

The amendment provides that counties whose population exceeds five hundred per square mile as an average for the entire county, may provide such facilities as sewers, water service, road lighting, hard roads, etc., by the process of special assessments against property benefited, without organizing into special taxation districts. Formerly this was accorded only to incorporated places in Virginia. As yet, the new plan applies to but one county (Arlington) and it makes no changes in the existing *form* of county government.

One State (North Carolina) has set up an entirely new unit of local self-government, the rural community, possessing a rather broad grant of powers.[1] Up to the present time only a comparatively small number of rural communities have availed themselves of the privileges of this unique act.

Disbanding. Almost every law that authorizes a new type of improvement district or allows existing organizations to assume added functions, has appropriate provisions for disbanding the proposition should it prove to be unworkable or otherwise fail to meet the needs of the locality. Rather minute regulations for dividing up or disposing of public property accumulated, retiring of any existing indebtedness, and dropping back into some previous systems of organization, if that be necessary, are included in these laws.

Summary of Rural-development Legislation by Individual States. Tables 5 to 14 inclusive, on pages 81 to 91, indicate the principal rural-development powers granted to local government in each State so far as

[1] Chapter XIV.

their rural sections now have opportunities of this kind. A few words of explanation are necessary in order to interpret these tables readily. In the first place, they include only provisions which may be adopted by local areas throughout the entire State—local laws are not listed in these tables. A complete study of local legislation conferring specific powers of rural development upon only one area, or at most a very limited number of areas, would require a separate volume for almost every State.

Under the list of special taxation districts are included only the major functions which may be performed by municipal corporations of this type. There may be numerous species of districts for the performance of a single function with varying degrees of completeness in a single State. Arkansas has at least six different kinds of school districts and an equal variety in road-improvement districts applicable to its rural areas. Many other States show an equal or greater variety. Mr. F. H. Guild, in a paper read before the annual meeting of the American Political Science Association, in December, 1928, listed eighty-nine names, including forty-seven different special municipal corporations for the United States as a whole.

In the case of States that have organized towns or townships as well as counties, an attempt has been made to indicate by the symbol "o" instances in which a particular function is performed by a unit of local government other than the one whose powers are enumerated in the immediate section of the table where the symbol appears. In some States the same symbol has been used where certain rather unusual functions are under the ad-

ministration of local school districts or of other special municipal corporations. Such cross classifications are not always complete for each State, especially because of difficulty in interpreting some of the laws which are none too clear. The material contained in these tables was prepared from compiled statutes and the more recent session laws for each State on file in the law library of the United States Supreme Court, as of August, 1927. There are doubtless some errors and omissions in the list. On the other hand, this enumeration gives a fairly accurate

TABLE 5. New England States: Rural-development powers granted to towns.

INSTITUTIONS, AGENCIES, SERVICES, AND SPECIAL PERSONNEL WHICH MAY BE PROVIDED BY TOWN GOVERNMENT	*Conn.*	*Maine*	*Mass.*	*N. H.*	*R. I.*	*Vermont*
Vocational high school	x	x	x	x	x	x
Music and dramatics teacher in public school	x	—	—	—	—	—
Scholarships to college students	—	—	—	—	—	x
Public library system	x	x	x	x	x	x
Markers designating historic spots, book containing a history of the town	—	—	x	x	—	x
Public hospital or clinic, or both	x	x	x	x	x	x
Visiting nurses	x	—	x	x	—	x
School doctor	—	—	—	x	—	—
General community building	—	—	—	—	x	—
Playground, swimming-pool, gymnasium, etc.	x	x	x	x	—	x
Soldiers' monuments and memorials (may be a community building, etc.)	—	x	—	x	—	x
Parks and gardens	x	x	x	x	x	x

INSTITUTIONS, AGENCIES, SERVICES, AND SPECIAL PERSONNEL WHICH MAY BE PROVIDED BY TOWN GOVERNMENT	*Conn.*	*Maine*	*Mass.*	*N. H.*	*R. I.*	*Vermont*
Boulevard system	x	x	—	—	—	—
Forest and game reserves	x	—	x	x	—	—
Planting of trees or bounties for the same	—	—	x	x	—	x
Entertainments, concerts, and patriotic celebrations	x	x	x	x	x	x
Municipal market-place for farmers' use	x	—	x	—	—	—
Suppression of insect and other pests	x	x	x	x	x	x
Agricultural fairs and exhibitions	—	—	—	—	—	x
Weather bureau	—	—	—	x	—	—
Electric power plant (for entire town)	x	x	o	x	x	o
Water-supply system (for entire town)	x	x	o	x	x	o
Fuel yard (to sell to citizens at cost)	—	x	—	—	—	—
Fire protection (for entire town)	x	x	x	x	x	x
Forest fire protection	—	—	x	—	—	—
Town-planning commission	—	—	x	—	x	—
Town-manager plan of organization	x	—	—	—	—	x
Cemeteries, both historic and for present use	—	x	x	x	—	x
Hearse and hearse house	—	x	—	—	—	—
Advertisements of the town's advantages	—	x	—	x	—	—

x Towns in this State have authority to provide the item specified.

o This institution or service is available to local areas in this State, but is under the administration of another unit of local government.

TABLE 6. New England States: Rural-development powers accorded to counties and to individual school districts; also special taxation districts provided for by general laws.

INSTITUTIONS, AGENCIES, SERVICES, AND SPECIAL PERSONNEL WHICH MAY BE PROVIDED BY UNITS SPECIFIED	*Conn.*	*Maine*	*Mass.*	*N. H.*	*R. I.*	*Vt.*
County powers of rural development:						
Agricultural and vocational school	o	o	x	o	o	o
Public library system	o	o	x	o	o	o
Tuberculosis sanatorium	—	—	x	—	—	—
Agricultural extension and home demonstration work	x	o	x	x	x	x
School district powers of rural development:						
Buildings may be used for civic and social activities	x	x	x	x	x	x
Playground and recreational center	x	o	o	o	o	o
Special taxation districts in rural areas:						
Road improvement	—	—	m	m	—	—
Drainage	—	—	m	—	—	—
Fire control	—	—	m	—	—	m
Water supply	—	—	m	—	—	m
Electric power plant	—	—	m	—	—	m
Two or more towns may combine for some purposes into special districts	m	—	m	—	—	—

x Authority to establish and maintain this institution or service is held by the designated area in this State.

o This institution or service is available to local areas but under the administration of another unit of local government.

m Special taxation districts for this purpose may be organized in the States indicated.

TABLE 7. Mid-West Township Type States: Rural-development powers accorded to townships.

INSTITUTIONS, AGENCIES, SERVICES, AND PERSONNEL WHICH MAY BE PROVIDED BY TOWNSHIPS	*Ark.*	*Ill.*	*Ind.*	*Iowa*	*Kan.*	*Mich.*	*Minn.*	*Mo.*	*Neb.*	*N. J.*	*N. Y.*	*N. D.*	*Ohio*	*Okla.*	*Pa.*	*S. D.*	*Wis.*
High school	o	x	x	x	o	x	o	o	o	o	o	o	o	o	o	o	o
Library system	o	o	x	o	x	x	o	x	o	x	x	x	o	o	x	o	o
Hospital	—	o	o	o	o	o	o	—	—	o	x	o	o	o	o	o	o
Visiting nurse	o	o	—	o	—	x	x	o	—	o	o	o	o	—	—	o	o
Community building	—	x	—	x	x	x	x	—	—	—	x	—	x	—	x	o	o
Monuments and memorials	—	x	—	—	x	x	—	—	—	—	x	—	x	—	—	—	o
Playgrounds	—	o	—	—	—	o	x	o	—	x	x	—	o	—	x	—	o
Parks	—	x	o	—	x	o	x	o	—	o	x	—	x	—	x	—	x
Forest reserve	—	o	—	—	—	—	—	—	o	o	x	—	x	—	x	—	—
Tree planting and tree bounties	—	x	—	—	—	—	—	—	—	—	x	—	—	—	—	o	—
Funds for special celebrations, band concerts, etc.	—	—	—	—	x	o	o	—	—	—	x	—	o	—	—	o	—
Agric. extension and home demonstration work	o	o	o	o	o	o	o	o	o	x	o	o	o	o	o	o	o
Supress plant and other pests	—	x	x	o	o	—	o	—	—	—	x	x	o	o	—	—	—
Water system and/or electric power plant	—	—	—	—	—	—	—	—	—	—	x	—	—	—	—	—	—
Fire protection	—	—	x	—	—	x	—	—	—	—	x	—	x	—	x	—	—
Rural building code	—	—	—	—	—	—	—	—	—	—	x	—	—	—	—	—	—
Road lighting	—	x	—	—	—	—	—	—	—	—	x	—	x	—	—	—	x
Cemetery	—	—	x	x	x	x	x	—	x	—	x	—	x	x	—	—	—
Funds for advertising the township	—	—	—	—	—	—	—	—	—	—	x	—	—	—	—	—	—

x Townships in these States may provide this institution or service.
o This institution or service is aavailable to local areas, but under the administration of another unit of local government.

TABLE 8. Mid-West Township Type States: Rural-development powers accorded to counties.

INSTITUTIONS, AGENCIES, SERVICES, AND SPECIAL PERSONNEL WHICH MAY BE PROVIDED BY COUNTIES	*Ark.*	*Ill.*	*Ind.*	*Iowa*	*Kan.*	*Mich.*	*Minn.*	*Mo.*	*Neb.*	*N. J.*	*N. Y.*	*N. D.*	*Ohio*	*Okla.*	*Pa.*	*S. D.*	*Wis.*
High school, agricultural, vocational, or normal school	o	x	o	x	x	o	x	x	x	x	x	x	o	x	o	o	x
Public Library system	x	x	x	x	x	x	x	o	x	x	x	o	x	x	x	x	x
General hospital	—	x	x	x	x	x	x	x	—	x	x	x	x	x	x	x	x
Tuberculosis sanatorium	—	x	x	x	—	x	x	—	—	x	—	—	x	—	—	—	x
Free vaccinations	—	x	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Visiting nurses	x	o	—	x	—	x	x	—	—	x	x	x	x	—	—	x	x
Community building	—	o	—	o	o	o	o	—	—	—	x	—	x	x	x	x	o
Playgrounds	—	o	—	—	—	x	o	o	—	x	o	—	x	—	—	—	—
Parks	—	o	—	—	—	x	—	—	x	—	x	—	x	—	—	—	—
Forest reserve	—	o	—	—	—	x	—	—	x	—	x	—	x	—	—	—	—
Tree planting or bounties therefor																	
Funds for special celebrations	—	—	—	—	o	x	x	—	—	—	o	—	x	—	—	x	—
Agricultural extension and home demonstration work	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Agricultural demonstration farm																	
Aid to county agricultural fair																	
Suppression of animal, plant, and insect pests, etc.	—	x	x	x	x	—	x	—	—	—	o	x	—	x	—	—	—
Farmers' market-place	—	—	—	—	—	x	—	—	—	—	—	—	x	—	—	—	—
Funds for advertising the county																	

x Counties in these States may provide this institution or service for rural areas.
o This institution or service may be available to local areas in this State, but it is under the administration of another unit of local government.

TABLE 9. Mid-West Township Type States: Rural-development powers accorded to individual school districts generally.

INSTITUTIONS, SERVICES, AGENCIES, AND SPECIAL PERSONNEL WHICH MAY BE PROVIDED BY SCHOOL DISTRICTS	*Ark.*	*Ill.*	*Ind.*	*Iowa*	*Kan.*	*Mich.*	*Minn.*	*Mo.*	*Neb.*	*N. J.*	*N. Y.*	*N. D.*	*Ohio*	*Okla.*	*Pa.*	*S. D.*	*Wis.*
Present facilities may be used for social, civic, educational, and other purposes by adults	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Adult-education classes may be provided	—	—	—	—	—	x	—	—	—	—	—	—	—	—	—	—	—
Library for general use of residents	o	o	o	o	o	o	o	x	o	o	x	x	x	o	o	o	o
Health nurse for the school district	o	o	—	o	—	o	x	x	—	o	o	—	o	—	o	—	o
Auditorium with facilities for civic activities and adult recreation	—	—	—	—	—	x	—	x	—	—	—	—	x	—	x	—	x
Parks	—	o	o	—	o	o	o	x	—	o	o	—	o	—	o	—	o
Playgrounds, etc., for general use	—	o	—	o	—	x	o	x	—	o	o	—	x	—	x	—	x
Forest reserve	—	o	—	—	—	o	—	—	o	—	x	—	o	—	—	—	—
Agricultural experiment plot (for consolidated districts only)	—	—	x	x	—	x	—	—	—	—	—	—	—	—	—	—	—

x School districts in these States may provide this institution or service for rural areas.
o This institution or service may be available to rural areas in this State, but if provided is under the administration of another unit of local government.

TABLE 10. Mid-West Township Type States: Special taxation districts established by general laws for rural areas.

INSTITUTIONS, AGENCIES, SERVICES, AND SPECIAL PERSONNEL WHICH MAY BE PROVIDED BY SPECIAL DISTRICTS	*Ark.*	*Ill.*	*Ind.*	*Iowa*	*Kan.*	*Mich.*	*Minn.*	*Mo.*	*Neb.*	*N. J.*	*N. Y.*	*N. D.*	*Ohio*	*Okla.*	*Pa.*	*S. D.*	*Wis.*
School (may be several varities)	m	m	m	m	m	m	m	m	m	m	m	m	m	m	m	m	m
Library	—	—	—	—	—	—	—	m	—	—	—	—	—	—	—	—	—
Public health (doctor, hospital, etc.)	—	—	—	—	—	—	—	m	—	—	—	—	—	—	—	—	—
Tuberculosis sanatorium	—	—	—	—	—	m	—	—	—	—	—	—	—	—	—	m	m
Rural community building for civic and recreational purposes	m	—	—	—	—	—	—	—	—	—	m	—	m	—	—	—	—
Parks and/or boulevards	—	—	—	—	—	—	—	—	—	—	m	—	—	—	—	—	—
Forest reserve	—	m	—	—	—	—	—	—	—	—	m	m	m	—	—	—	m
Water works and/or electric power plant	m	m	m	m	m	m	m	m	m	m	m	m	m	m	m	m	m
Fire protection (equipment, etc.)																	
Police protection	m	m	m	m	m	m	m	m	m	m	m	m	m	m	m	m	m
Road and/or bridge (may be several kinds)																	
Drainage (may be several kinds)																	
Levee, flood control, etc.	m	m	m	m	m	—	m	m	m	—	—	—	m	m	—	—	—
Irrigation (may be several kinds):																	
Canal	—	—	—	—	—	—	—	—	—	—	—	—	m	—	—	—	—
Stock fence or no-fence stock districts	m	—	m	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Sugar-beet mill	—	—	—	—	—	—	—	—	m	—	—	—	—	—	—	—	—
Cemetery	—	m	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
	—	—	—	—	m	—	—	—	—	—	—	—	—	—	—	—	—

m Special taxation districts authorized by general laws for these purposes in these States.

TABLE 11. County Type Southern States: Rural-development powers accorded to counties

INSTITUTIONS, AGENCIES, SERVICES, AND SPECIAL PERSONNEL WHICH MAY BE PROVIDED BY COUNTIES	*Ala.*	*Del.*	*Fla.*	*Ga.*	*Ky.*	*La.*	*Md.*	*Miss.*	*N. C.*	*S. C.*	*Tenn.*	*Texas*	*Va.*	*W. Va.*
Agricultural or vocational high school	—	—	—	—	x	—	—	x	x	—	—	—	—	—
Library	x	—	—	—	x	x	x	x	x	x	x	x	x	x
General hospital	x	—	—	x	x	—	x	—	x	—	a	x	x	x
Tuberculosis sanatorium	—	—	x	—	—	—	—	—	x	—	—	x	—	—
Visiting nurses and/or school doctor	—	—	—	—	—	—	x	—	x	—	x	x	x	x
Community building for civic and recreational purposes	—	—	x	—	—	—	—	—	x	—	—	—	x	
Playgrounds for general recreation	—	—	x	—	—	—	—	—	x	—	—	—	x	x
Parks	—	—	x	—	—	—	—	—	x	—	—	x	x	x
Forest reserve	—	—	—	—	—	—	x	—	—	—	—	—	—	—
Tree planting or bounties therefor	—	—	—	—	—	—	x	x	—	—	—	—	—	—
Agricultural extension and home demonstration work	x	x	x	x	x	x	x	x	x	x	x	x	x	x
County agricultural experiment farm	—	—	—	—	—	—	—	—	—	—	—	x	—	—
Aid to county agricultural fair	—	—	x	—	—	x	x	—	—	—	—	—	—	—
Farmers' market-place	—	—	—	—	—	—	—	—	x	—	—	—	—	—
Cemetery	—	—	—	x	—	—	—	—	—	—	—	—	—	—

— This function not sanctioned by general law in this State.
x Counties in these States may provide this institution or service for rural areas.
a May subsidize one private hospital in the county for five years only to get it established.

TABLE 12. County Type Southern States: Rural-development powers accorded to individual school districts; and special taxation districts established by general law.

INSTITUTIONS, SERVICES, AGENCIES, AND SPECIAL PERSONNEL WHICH MAY BE PROVIDED BY UNITS SPECIFIED	*Ala.*	*Del.*	*Fla.*	*Ga.*	*Ky.*	*La.*	*Md.*	*Miss.*	*N. C.*	*S. C.*	*Tenn.*	*Texas*	*Va.*	*W. Va.*
Rural-development powers of school districts:														
Buildings may be used for social, civic, and recreational purposes by local residents ..														
Adult educational classes may be provided														
Library for general community use	x	—	—	—	o	o	o	o	x	o	o	o	o	o
Facilities for a community civic center ..	—	x	—	—	—	—	—	—	—	—	—	—	—	—
Playground for general use	—	—	o	—	—	—	—	—	x	—	—	—	o	x
Park for general use	—	—	o	—	—	—	—	—	x	—	—	o	o	x
Special taxation districts:														
School	m	m	m	m	m	m	m	m	m	m	m	m	m	m
Mosquito abatement	—	—	m	—	—	—	—	—	—	—	—	—	—	—
Incorporated rural community	—	—	—	—	—	—	—	—	m	—	—	—	—	—
Road and / or bridge	m	m	m	m	m	m	m	m	m	m	m	m	m	m
Levee, sea wall, or other flood protection														
Drainage	m	m	m	m	m	m	m	m	m	m	m	m	m	m
Irrigation	—	—	—	—	—	—	—	—	—	—	—	m	—	—
Swamp-land development	—	—	—	—	—	—	—	m	—	—	—	—	—	—
Agricultural development	—	—	—	—	—	—	—	—	m	—	—	—	—	—
Stock fence or no-fence stock districts ..	m	—	—	—	—	—	—	m	—	—	—	—	—	—

— This function not sanctioned by general law in this State for either school or special taxation districts.
x School districts in these States may serve in this capacity or provide this facility.
o This function may be performed for rural areas in this State by another unit of local government.
m Special taxation districts authorized by general law for these purposes.

TABLE 13. County Type Western States: Rural-development powers accorded to counties by general laws.

INSTITUTIONS, SERVICES, AGENCIES, AND SPECIAL PERSONNEL WHICH MAY BE PROVIDED BY COUNTIES	*Ariz.*	*Cal.*	*Col.*	*Idaho*	*Mont.*	*Nev.*	*N. Mex.*	*Ore.*	*Utah*	*Wash.*	*Wyo.*
Agricultural or vocational high school	—	—	x	—	—	x	x	x	x	—	—
Library	x	x	x	—	x	x	x	x	x	—	x
General hospital	—	—	x	x	x	x	—	x	x	x	x
Visiting nurse and / or school doctor	—	—	—	x	—	—	x	—	—	—	—
Community building for civic and social purposes	—	—	x	—	—	—	—	x	x	—	—
War memorials (may be bldgs., parks, etc.)	—	—	—	—	—	—	—	x	—	—	—
Parks	—	x	—	x	—	—	—	—	x	—	—
Playgrounds	—	x	—	—	—	—	—	—	x	—	—
Agric. extension and home demonstration work	x	x	x	x	x	x	x	x	x	x	x
County agricultural experiment farm	—	—	—	—	—	x	—	—	—	—	—
Aid to county agricultural fairs	—	—	x	—	x	x	x	x	—	x	x
Suppression of animal, plant, and insect pests	—	—	—	—	x	—	—	x	—	x	—
Purchase of seed grains for farmers	—	—	—	—	x	—	—	—	—	—	—
Farmers' market-place	—	—	—	—	x	—	—	x	—	—	—
Funds for advertising advantages of the county	—	—	—	—	—	x	—	—	x	—	x
Cemetery	—	x	—	—	x	—	—	—	x	x	—

x Counties may provide these institutions or services for rural people if they so desire.

NOTE.—California counties organized under home-rule charters may possess additional powers for the providing of many other local improvements and for conducting their internal affairs.

TABLE 14. County Type Western States: Rural-development powers accorded to individual school districts; and special taxation districts authorized by general laws.

INSTITUTIONS, SERVICES, AGENCIES, AND SPECIAL PERSONNEL WHICH MAY BE PROVIDED BY UNITS SPECIFIED	*Ark.*	*Cal.*	*Col.*	*Idaho*	*Mont.*	*Nev.*	*N. Mex.*	*Ore.*	*Utah*	*Wash.*	*Wyo.*
Rural-development powers of school districts:											
Buildings may be used for social, civic, and other purposes by local residents	x	x	x	x	x	x	x	x	x	x	x
Library for general use of local residents	o	o	x	x	o	o	o	o	x	x	o
Facilities for a general community center	—	x	o	—	—	—	—	o	x	x	—
Playground for general use of local residents	—	—	—	—	—	—	—	—	x	x	—
Special taxation districts:											
School (may be several kinds)	m	m	m	m	m	m	m	m	m	m	m
Public health (hospital, doctor, etc.)	—	m	—	—	—	—	—	—	—	—	—
Mosquito abatement	—	—	—	—	—	—	—	—	m	—	—
Rural improvement [a]	—	—	m	—	—	—	—	—	—	—	—
Fire protection (equipment, etc.)	—	m	—	—	—	—	—	—	—	—	—
Road and / or bridge (may be several kinds)	m	m	m	m	m	m	m	m	m	m	m
Rural road lighting	—	m	—	—	—	—	—	—	—	—	—
Drainage (may be several kinds)	m	m	m	m	m	m	m	m	m	m	m
Irrigation (may be several kinds)	m	m	m	m	m	m	m	m	m	m	m
Levee and flood control (may be several kinds)	—	m	m	—	—	—	m	—	—	—	—
Conservancy [b]	—	m	—	—	—	—	m	—	—	—	—
Stumpage	—	—	—	m	—	—	—	—	—	—	—
Agricultural fair (3 or more counties)	—	—	—	m	—	—	—	—	—	—	—
Weed, insect, animal, or plant pest control	—	—	—	—	—	—	—	m	—	m	m

x School districts may perform these functions under general law if they desire.
o Function may be performed for this area by another unit of local government.
[a] Includes road, bridge, tunnel, park, forest reserve, or any combination thereof.
[b] Includes drainage, irrigation, reservoir, reforestation, or any combination thereof.
NOTE.—California counties organized under home-rule charters may possess many additional powers for providing local improvements instead of organizing special taxation districts.

picture of the general situation as regards rural-development legislation in the several States.

In total, the foregoing enumeration of opportunities for the enrichment of rural life now available to various units of local government seems comprehensive. In addition to these more specific general grants of authority must be mentioned the two other ways in which local areas have acquired authority for the providing of such facilities, services, and personnel. First, through the passage of almost innumerable local laws, many units of local government possess special authority to do certain things (including the reorganization of their own governments within constitutional limits) which is not held by other similar units in the same State. Probably the bulk of provisions of this kind apply more to conditions arising from the presence of large urban groups subject to existing forms of local government established by state constitutions than they do to those counties that are grappling with the problem of serving the rural people more adequately. Second, by rather liberal interpretations of older statutes, some towns, townships, counties, and special taxation districts have broadened their respective spheres of action without securing new legislation to permit the same. Judicial reviews have declared some such attempts to be without the necessary authority and hence illegal; in other instances the courts have upheld these more liberal interpretations.

In the following chapter some of the more pronounced weak spots in existing rural-development legislation are considered. The possibility of rendering maximum serv-

ice to local areas has not been realized in numerous instances because of lack of authority to act, or weakness as inherent in the laws themselves, or in the way in which these laws have been interpreted.

CHAPTER VIII

CRITIQUE OF EXISTING RURAL-DEVELOPMENT LEGISLATION

EVEN a casual glance through the list of provisions made by various States in attempting to make it possible for local areas to establish and maintain some of the better things for the rural people discloses wide differences between these States. Generally speaking, the older and more Northern States are the most generous in granting such privileges. The Far Western States, particularly California, are also fairly progressive in this regard. At the other extreme are the Southern States. North Carolina is the great exception among the States below the Mason and Dixon line, for in a number of respects it has taken the lead for the entire United States in its forward-looking rural legislation.

It is the intention of this chapter to point out briefly the most frequent mistakes which have been made in rural-development legislation already written into the statute-books.

WRONG LOCAL UNITS. A general criticism applying to the laws of several States is that the units recognized to control or administer the newer types of rural development activities are not the ones most suited to the pur-

pose at hand. This subject comes up for more detailed analysis in Part III. A political township may or may not be a desirable unit for a rural consolidated school or a rural high school; yet in several States where townships exist they have been called upon to serve as the standard area for larger school districts. It may be that the roads, topography, economic forces, and social groupings of the people all favor other areas or zones for these large-scale school districts; but the township may be the sole unit permissible. This same objection applies to making counties the unit for consolidated school districts in some States. Counties or townships may not be efficient units for providing rural library facilities, but some laws that extend this privilege prescribe that one or the other must be used as a basis. Conceivably, it might be much better for two or more counties or townships to coöperate in providing rural library facilities by maintaining one central building, with several outlying library branches or substations and a truck or two for delivery purposes. Unless the enabling act specifically provides for coöperation of this kind, a single county or township must bear the whole expense if the residents are to have a library system. This consideration applies with greater or less force to many of the other rural-development services. In other words, too often existing political areas are made to serve new purposes irrespective of the "volume of business" which may be required for highest efficiency or to insure sufficient taxable wealth as a basis of support, without invoking taxes so high as to be practically confiscatory.

Overlapping Zones. Serious problems have occasion-

ally arisen where several taxation districts overlap each other in addition to the existence of one or more units of local government for general purposes—county or township or both. A given piece of land may therefore be located within several corporations, municipal or quasi-municipal; but each having some power to levy taxes and to issue bonds. The total tax demands upon this piece of land may be far in excess of any present ability of the land to pay for the services. True, it is ordinarily supposed that the land will benefit directly from improvements made by special taxation districts. Schools, paved roads, libraries, hospitals, or community buildings, although serving to raise the plane of rural living appreciably, may not increase the cash income ascribable to the land (the thing taxed) by a single cent. The owner will tell you that he can realize any increase in land values only by selling his property, and in the meantime as long as he continues to own it he will pay a higher tax-rate as well as more taxes because of increased assessed valuations without any corresponding increase in land income. Taxes of this kind, even though assessed on the theory that land values are increased by the improvements which the new taxes provide, are a close approach to payments for consumption goods of a more or less enduring nature.

On the other hand, special assessment districts formed to provide drainage, irrigation, or levee facilities, assuming that these are necessary and have been efficiently constructed, may make almost worthless land productive and valuable. It would seem that more distinction is necessary between those improvements which cause an

increase in cash income from the land itself and those which bring higher standards of living to the people. Improvements of the latter type are not properly subject to establishment and maintenance by special taxation districts that make assessments and levy taxes upon supposed increases in land values. Increases in general property taxes, or the establishment of new forms of taxation, are more to the point for such improvements than are new assessments based upon assumed specific benefits received by the land from these improvements.

Tax-Equalization Problems. In the discussion of overlapping special taxation districts we approached another large set of difficulties due to methods now used for providing increased revenues to finance rural-development facilities. Our objection here is against the existing system of taxation under the general property tax as used in practically every State. A thorough analysis of the situation would require a volume in itself, hence for the present we can only raise the issue. Any coöperation between town and country in the matter of tax-supported agencies whose benefits are jointly shared is almost sure to rest more heavily upon farm areas than upon the town area. This is due to the fact that farm wealth is largely represented by investments in real property, whereas a much greater proportion of the town's wealth-producing income is found in evidences of ownership and claims to profits which more easily escape assessments in the traditional methods of assessing property. Usually these intangibles yield a higher return per dollar invested than do farm lands (though often also at added risks of loss).

Farmers realize this inequality very keenly. When consolidated schools or other mutual improvements are proposed for a town and the surrounding rural area, farmers may defeat the measure because of anticipated unequal tax burdens. The farmers further assume (though with rather hazy economic justification at times) that in trading in the town they are the major contributors to the wealth out of which townspeople pay their taxes, and that the townspeople are in a position to take sufficiently wide operating margins in their transactions to allow for their own taxes. "I had to raise my prices because my taxes are higher now" is a frequent argument to the farmer in defense of higher prices for goods purchased, or for higher rates of commission or operating margins exacted on farm produce received from these farmers. When the farmers claim that they are paying the townspeople's taxes already as well as their own, they are but turning a favorite argument back upon those who originally advanced it to the farmers. On the other hand, the farmers justly claim that they have rarely if ever been in a position to demand higher prices for their products because farm taxes were increased. The real difficulty, of course, is the failure to tax, in support of joint facilities, all income-producing wealth in proportion to the amount of income which it yields, regardless of the specific forms which such wealth may take (land, buildings, stocks, bonds, or what not), and regardless of its location as between town and country.

Several States now recognize the need for greater equalization between town and country in some types of permissive legislation which provide for taxes other than

or in addition to the general property tax for their support. The subject of public finance as a whole is beyond the scope of this volume, and the author is not an expert in this field, but it seems necessary to devote some consideration to certain pressing problems of taxation.

Popular Education on Newer Rural Legislation. Even though a State may pass a large number of bills permitting the establishment of rural-development facilities by various local governmental units, there is no assurance that the people will make use of such authority to their own advantage. We have a notion here in the United States that if you can just get the necessary legislation written into the statute-books, everything will move along more or less automatically from that time on until the ends sought by the legislation are achieved. Experience has long shown the utter fallacy of this idea, and yet it is still fondly cherished by a large number of people. Legislative enactments at the time of their passage may command a little publicity from the press, but the matter usually ends right there. Counties will not build hospitals or provide library services for the rural people, even though they are given authority to do so, until at least the leaders in the county are thoroughly aroused in support of the idea. After that it may take a long time to obtain action from slow-moving county boards; or to organize special taxation districts if this be the plan of administration set forth by the law.

All legislation in this field, if its good possibilities are to be realized within a reasonably short space of time, should carry some plan for acquainting the citizens with what it is all about and why they should adopt the plan

locally. Call this propaganda and beyond the functions of government if you will, it is an information service which needs to be performed for the sake of accelerating the rate of civic progress. An appropriation to print the law, together with an attractive and readable explanation of its worth, and of the citizenship obligations assumed when the law is adopted by local areas, will help greatly in this educational process. This material should be furnished to leading citizens (not political henchmen) throughout the State. The secretary of state, or some other designated authority, should be required to do this work. Newspapers could be induced to carry feature articles on the subject. County agricultural agents, home-demonstration agents, superintendents of schools, and other leaders should be made responsible for spreading such information. If some publicity work is not done, these laws are not worth the paper upon which they are written as they repose peacefully on the dust-laden shelves of the law libraries and other places where such documents are wont to congregate.

State Supervision. Our final criticism on this subject is to point out the failure of most States to provide any real supervision over many of these new agencies and facilities for the enrichment of rural life. A given town, township, county, or special district that is trying to bring better things to its people is always faced by a lack of expert knowledge and generally by an absence of any established techniques for reaching the goal intended in the act. Probably school buildings have been about the greatest sufferers in the past, for many freak

structures were constructed by local school districts that were conscientiously seeking to provide something better. Expert help costs large sums of money, and though usually worth far more than its cost, it is often avoided because of the seemingly heavy initial outlay demanded. Local road-building under the supervision of well-meaning but entirely unskilled trustees has resulted in large losses to taxpayers through inferior materials and faulty construction that were not detected by local inspectors.

Every act giving permission to establish libraries, hospitals, special school buildings, community houses, parks, roads, ditches, and other municipal improvements in town and country areas, or to inaugurate such services as those of public health nurses, agricultural agents, etc., should set up machinery for suitable supervision. This is not done for the purpose of discouraging local initiative or destroying individuality but solely to insure sound investments and adequate services in return for tax money expended. Uniform accounting systems for all activities involving frequent expenditures of public funds should be prepared by appropriate state authorities, who will then furnish the necessary materials and instructions at not more than cost to the local people. Plans for public buildings and improvements should be approved by a state architect or engineer before construction is allowed to begin, and state experts should inspect the work of contractors to insure its being up to specifications in all particulars. Minimum standards should be set up, or local areas will fail in many cases to

make adequate provision for the thing which they intend to accomplish. Wasting of taxpayers' money and discouraging other areas from attempting similar activities are results of failures to provide state supervision.

PART II

A QUESTIONNAIRE SURVEY OF LOCAL RURAL GOVERNMENT

CHAPTER IX

METHOD AND SCOPE OF THE SURVEY OF LOCAL RURAL GOVERNMENT

AMONG the various methods commonly used in investigations the results of which are to be presented in statistical form, only one appeared to be at all practical for the present study—namely, that of mailing blank schedules to large numbers of people for completion and reply. The material obtained from the questionnaire schedules that were returned has been supplemented by personal investigations of local government in typical States, and by the use of reference material to be found in books and periodicals. In this section, however, only results of the questionnaire study will be presented, the rest being reserved for discussion in Part III.

DEVELOPMENT OF THE QUESTIONNAIRE. In devising a mail questionnaire schedule, there are many problems to be met and solved if any usable returns are to be forthcoming. It is important to hold the number of questions down to an irreducible minimum. The fact that most people have a comparatively limited knowledge of the basic problems of their own local governments, and an even more meager fund of information regarding reform measures for these areas, had to be taken into account.

Misinterpretation of questions had to be guarded against as much as possible. The final form of questionnaire schedule, a copy of which is included in the Appendix,[1] was evolved after three major revisions, in about the following way:

First, a very elementary schedule was drawn up and taken by the author to a number of local government officials to find out how these people would respond to critical questions on local government. This schedule was also taken to several teachers of political science and rural sociology in colleges and universities. The enumerator was particularly on the alert to detect any apparent difficulties in understanding the questions as these were read. The schedule was then completely reworked. Many of the original questions were subdivided in order to gain greater clearness and to elicit replies that would be easier to tabulate statistically.

The second form of the schedule was mailed to approximately one hundred teachers of political science, rural sociology, and statistics, for criticism and advice. Based upon recommendations from these people, a third form was prepared. This third form was mailed to more than a thousand people: local government officials, teachers, and farmers, in States representative of each type of local government in rural areas. No hint was given, either in the schedule or in the accompanying letter, that this was a preliminary trial. After a critical analysis of the returns from this distribution, based upon evidences of ease or difficulty in answering questions and in the suitability of replies to tabulation, a fourth and final

[1] Page 320.

schedule was prepared. It is not perfect by any means, and it certainly leaves much to be desired on account of its brevity. However, it did seem to contain about as much detail as could be asked of the people to whom it was sent, in the way of time and thought. If anything, it proved to be a little too technical for some people to grasp readily.

Two questions at the beginning of the schedule, it will be realized by examination, are not necessary from the standpoint of any information which they might yield. These data are easily obtainable from state constitutions and compiled statutes, or, for the most part, from standard treatises on local government in the United States. These two questions were inserted to introduce the person replying to the field of inquiry. Their answers also served to indicate to the tabulator whether the remaining answers in this section of the schedule in hand applied to what is really the smallest unit of local government for general purposes in the rural sections of the State concerned. Perhaps a dozen schedules were discarded because of failures to give the correct local unit—*e.g.,* one or two reported "county" in the New England States; "incorporated city" in a few scattered instances; and "township" once or twice in States where townships do not exist or where they serve solely as administrative areas or election precincts without any powers of local self-government.

Selection of Informants. For the purposes of this study, replies were sought from three occupational groups: farmers, local government officials, and teachers of political science or rural sociology. Most of the names

and addresses of farmers to whom schedules were sent were obtained from lists submitted by state agricultural experiment stations, or from persons named by these institutions. More than 2,500 schedules were sent to farmers, from which 156 usable replies were received. This was a small return, but in the nature of things was about all that could be expected. Lack of knowledge prohibited many farmers from replying, and it must also be remembered that only those who are really interested in the subject will sacrifice the hour or two of time needed for careful formulation of replies.

Approximately 2,500 schedules were mailed to local government officials. The States were grouped into three types: those in New England constituted one type, those with organized townships made up the second type, those having only counties as the smallest rural units constituted the third type. Questionnaires were mailed to local officials of each State, averaging about seventy-five to a State, except for the smallest States either in land area or rural population. Furthermore, in this group of persons to whom schedules were sent were included only those in counties having incorporated places of 10,000 people or less. From these local government officials 324 replies came back, about equal numbers from county and township types, with a rather small number from the New England States.

Two hundred and fifty schedules were sent to teachers in colleges and universities throughout the United States, from which thirty-three were completed and returned. These were among the very best received. Hence, though the total number in this group is small, the character of

the replies made it evident that they should be included in the tabulation. A grand total of 513 schedules was thus received in usable condition. This number does not include any of the trial schedules, since changes in certain questions precluded comparable replies.

Tabulations. All tabulations involving more than "yes" or "no" answers, or estimated quantities, were made personally by the author. A majority of the captions used in the final tables are typical answers of people who filled out schedules. Some of the reasons could be combined into larger groups without doing much, if any, violence to the meaning of these replies, but they have been kept separate to indicate more clearly the range of answers. The final tables are uniformly presented with two classifications, each having three subheads. By types of local government, the New England States are treated as a distinct group with their town type of local government; States having organized townships comprise the second group; the remaining States, having counties as the smallest units of local government for rural areas, make up the third group. Occupationally, the sub-groups are by teachers of political science or rural sociology, local government officials, and farmers. Perhaps fifty replies from government officials stated that in private life these men were farmers. However, since they had been addressed as local government officials and were asked to give their answers from that viewpoint, it seems more appropriate to include them in this group rather than among the other farmers who are more likely to be "laymen" in governmental matters.

Reliability of Results. The value of any results from a study of this kind is entirely dependent upon the accuracy of information included in its tabulations. Several questions in the present schedule were so worded that answers would represent opinions of those furnishing the information. Other questions called for concrete facts or careful estimates. A considerable number of persons who sent in schedules wrote personal letters to accompany their formal answers. Almost without exception these letters indicated considerable interest in the subject of local government in rural areas. Just a few letters indicated a hostile attitude toward the survey. Most of the writers of these letters seemed suspicious that the real purpose of the work was to gather information for propaganda favoring more centralized control and some abandonment of traditional democracy. In no instance did these critical letters accompany filled-out questionnaires. These people apparently felt it out of place to furnish the information called for.

On the whole, the schedules seem to have been filled out with considerable care and they doubtless represent about the best that the people replying were able to offer. Some answers may have been based upon misinterpretations of the original questions, but from all appearances the number of such instances is small. Taken as a whole, the answers can be assumed to represent a rather accurate reflection of opinions of the people who furnished the information.

The results of this survey must not be taken as an expression upon the subject of local government by the average of rural citizenship. The farmers on the lists

used represented leaders—the better-educated and probably the more responsible elements in their respective localities. Furthermore, of those to whom blank schedules were sent, only the more interested and better-informed would naturally take the trouble to answer. Replies from the farmer group are therefore not characteristic of the average but of people considerably above the average.

The local government officials who answered the questions seem to have assumed a somewhat less critical attitude toward their local governments than would be more typical of citizens generally. At the same time, these men should be in a position to state the facts more accurately than are persons whose experiences with the functioning of local government are commonly quite infrequent and fragmentary. Again, therefore, the results are not typical of all citizens but of a favored group, so far as this subject is concerned.

The teacher group represents still a different viewpoint. It is probably somewhat more theoretical, less biased by the peculiar problems of any one unit of local government, and rather more inclined to see the situation over a period of years instead of at the immediate moment. By no means can their answers be assumed to reflect the opinions of average citizens subject to the immediate influences of local rural government.

These limitations do not detract from the value of results obtained from the schedules. They do mean that in the interpretation of results care must be used not to assume these figures to represent demands for changes by rural people as a whole. This is not a popular referen-

dum on an important subject, but an expression from leaders who are in a rather favored position to see the situation more clearly than does the average citizen in the same area or type of local rural government.

CHAPTER X

CITIZENSHIP INTEREST IN AND CRITICISMS OF LOCAL RURAL GOVERNMENT

RELATIONSHIP BETWEEN POLITICAL AND OTHER GROUPS OF RURAL PEOPLE. One rather frequent criticism of present county and township government is that the geographic areas composing these units often include many people whose interests, other than those of local government, are satisfied outside the bounds of the political areas in which they live. The natural consequence of this fact, if it is a fact, is that local government under such conditions will not receive much attention from a citizenship more or less lacking in other common interests. In order to find out whether this opinion is widely held among those people more immediately affected by local government in rural areas and is not one emanting solely from academic circles, an attempt was made to get some light on the subject.

Replies to a question concerning the coincidence or lack of coincidence between local political and other groups of rural people will be found in Table 15. From the results of this table it appears evident that many townships possess a considerable degree of artificiality in their make-up. Less than one half of all replies give

TABLE 15. Coincidence or lack of coincidence between local political units and other geographic groupings of farm people.

OCCUPATION AND LOCATION OF CORRESPONDENTS	NUMBER OF PERSONS REPORTING			
	Coincidence	*Lack of coincidence*	*No Answer*	*Total*
All Occupations:				
New England towns..	24	3	3	30
Township areas	115	86	46	247
County areas	153	31	52	236
Total	292	120	101	513
Farmers:				
New England towns..	11	0	1	12
Township areas	37	20	18	75
County areas	45	8	16	69
Total	93	28	35	156
Officials:				
New England towns..	12	1	2	15
Township areas	72	54	26	152
County areas	102	21	34	157
Total	186	76	62	324
Teachers:				
New England towns..	1	2	0	3
Township areas	6	12	2	20
County areas	6	2	2	10
Total	13	16	4	33

any real assurance that the township generally includes chiefly those people most of whose interests other than political are likewise satisfied within the boundaries of the political unit, while more than a third of the total number of persons answering the question are sure that the township area does not include otherwise united people. On the other hand, the New England town is reported by a large majority of all replies to exhibit rather general coincidence between political and other interest groupings of rural people. Townships and New England towns do not differ greatly as regards area, yet evidently the way in which these distinctly different forms of government were started out, together with more recent developments in grouping arrangements of the inhabitants, have been decidedly more favorable to the latter area.

Southern and western counties, as a general proposition, seem to include people most of whose other interests are satisfied within the political areas in which they reside, if our answers portray the situation correctly. In the average county there are commonly one or more trade centers and numerous open-country or cross-roads hamlet institutions and facilities which attempt to meet local demands for economic, social, educational, and religious services more or less completely. In situations of this kind, because of the larger areas and the frequent presence of more than one trade center, inter-village or inter-locality rivalries may in themselves preclude the development of any real unity among the county's residents. The usual result is a rather feeble interest in county affairs except as a means of securing the lion's share of

TABLE 16. Average percentage of all enfranchised persons who actually vote in local elections as reported in replies from correspondents.

LOCATION OF CORRESPONDENTS	OCCUPATIONS OF CORRESPONDENTS			
	Farmers	*Officials*	*Teachers*	*Average* *
	Per cent	*Per cent*	*Per cent*	*Per cent*
New England towns ..	53.6	64.3	67.5	59.9
Township areas	60.5	57.8	45.0	58.9
County areas	63.0	64.5	41.2	63.0
Average *	60.0	61.2	47.0	60.4

* Weighted averages of all replies under each classification.

county appropriations and services for individual localities within the county.

Farmers and government officials are in rather close agreement on the question of coincidence of "interest areas" in all three types of local government, while the teachers are not so sure that any existing political areas exhibit a marked degree of suitability from this point of view. Certainly typical incorporated cities and villages are not required to face as difficult a situation in this regard as are units of local government which serve rural areas at the present time.

PARTICIPATION IN LOCAL GOVERNMENTAL AFFAIRS. It is a rather difficult matter to obtain really accurate quantitative measures of citizenship participation in the affairs of local government which will picture the situation for the entire United States. In this study our informants were first asked to give careful estimates of the percentage of legally qualified voters who actually

take part in the election of local officials. Table 16 contains the averages of all persons who gave numerical estimates. It should be borne in mind that for practically all States in the county classification, and for several of the township type, local elections usually occur simultaneously with state (and often national) elections. This introduces added stimuli for exercising the franchise privilege in the minds of many voters who would not otherwise take the trouble to participate in purely local elections. Most New England towns, and many townships, more commonly hold their own elections at other times of the year. This table cannot be taken as unqualified evidence that voters in New England are less interested in local matters than is true elsewhere. In fact, if the complicating factor of coincident elections could be eliminated, the results might be quite the opposite.

In the case of the county, where a majority of the government officials replying are county clerks who come into direct contact with the election machinery and who should therefore be in the best position to give accurate estimates, the informants are most optimistic concerning the proportion of citizens who vote in local elections—followed closely by the farmer group. The teachers' returns (except for New England, where the sample is admittedly small) are decidedly less liberal in their estimates than are the others.

Professor Fairlie made a study of participation in township meetings (which are often only local elections) in several States in which these exist. On the average, he found that 73 per cent of the potential voters cast

ballots in these elections.[1] This figure is considerably above the one obtained in the present survey. The difference may be due to the fact that in the present instance figures are included both from townships that have town meetings and from those which do not, whereas Professor Fairlie's data are based upon townships in which town meetings are ordinarily held. Possibly the proportion who vote in township elections generally is on the decline, since Fairlie's data were secured several years earlier.

A close study of participation in local elections for situations characteristic of all types of local government in rural areas would doubtless reveal marked differences within each type—probably greater than differences between the averages for all instances within each type. Such factors as the intensity of the political campaign, the degree of satisfaction with the retiring administration, and the presence or absence of important initiative or referenda proposals on the same ballot all carry appeals of varying power to potential voters. Local loyalties and traditions of citizenship responsibilities fluctuate in different sections. At any rate, the proportion of eligibles who do vote is rather low, although it is probably as high as is commonly found in urban places.

Another indication of the degree of interest that citizens take in their local government's affairs is the extent to which they are willing to seek official positions, and the

[1] This figure (73 per cent) was secured by adding the number of electors and the number of votes actually cast for each of the townships where both figures were given, and then reducing the totals to a percentage representing the proportion of votes cast to the total number of potential electors. See Fairlie, *op. cit.*, pages 170–173.

amount of more or less volunteer effort they are willing to contribute in local governmental activities. No attempt was made to evaluate these forms of behavior quantitatively in this present survey, because of restrictions of time and funds. The following question was included in the schedule: "In what ways do residents of this unit [smallest unit of local self-government in rural areas named by the person replying] show an *active* interest in their local government?" The answers indicated in Table 17 are simply the number of all schedules received which reported specified forms of participation —some informants mentioning two or more forms. The definition of the term "*active* interest" as used in the questionnaire afforded a somewhat flexible standard for informants to use in expressing judgment, but it seemed impossible to set up a more definite criterion which would apply to the entire United States. These answers represent only informants' opinions rather than precise measures of amounts of time contributed or the proportion of citizens willing to render any services of this kind. All replies tabulated in the "no *active* participation reported" column of the table stated that so few people took any real interest in these matters that the person answering could not report any "*active* interest" as he interpreted the question.

Office-holding is by far the most frequent form of active interest reported. Perhaps a certain degree of prestige accorded to the office-holder, and the prospect of using minor offices as stepping-stones to positions of greater political significance, are the chief things which attract candidates to these offices rather than the low

TABLE 17. Various forms of *active* participation in local governmental affairs on the part of the citizenship as reported by correspondents.

OCCUPATION AND LOCATION OF CORRESPONDENTS	FORMS OF ACTIVE PARTICIPATION REPORTED BY CORESPONDENTS [a]			*Correspondents reporting "no active participation* [b]	*All correspondents reporting* [a]
	Office holding	*Road work*	*Other forms of help*		
All occupations:	*Number*	*Number*	*Number*	*Number*	*Number*
New England towns	21	3	5	9	30
Township areas	192	61	68	49	247
County areas	165	81	77	58	236
Total	378	145	150	116	513
Farmers:					
New England towns	8	3	4	4	12
Township areas	54	18	18	20	75
County areas	46	22	25	11	69
Total	108	43	47	35	156
Officials:					
New England towns	11	0	1	4	15
Township areas	123	42	48	26	152
County areas	113	59	49	44	157
Total	247	101	98	74	324
Teachers:					
New England towns	2	0	0	1	3
Township areas	15	1	2	3	20
County areas	6	0	3	3	10
Total	23	1	5	7	33

[a] Many persons reported more than one form of participation. Last column to the right is simply the number of correspondents reporting.

[b] Replies included in this column are only those specifically stating that there was "no *active* participation" in their respective areas.

salaries which ordinarily go with minor positions in local government. There is comparatively little difference between the replies from the three types of local government on this question, those from the township being relatively a little more frequent. Likewise, the occupational classification shows rather close agreement on office-holding as a reported form of active interest in local government.

Under "road work" the New England town shows a very low amount of participation, the township stands considerably higher, and the county receives the most help of this kind. Local country roads in New England have been improved to a much greater extent than is generally true elsewhere. These improved roads do not lend themselves well to the time-honored method of working out road taxes with labor furnished by the taxpayers. Here road taxes are collected in cash and paid out to regularly employed maintenance crews. In numerous southern and western counties, and in many townships, taxpayers are still given the option of working out their road taxes by their own or hired labor under the direction of road supervisors, or of paying the levies in cash. This system accounts for many answers from people in the county and township types of local government. Moreover, because of limited revenues and large mileages of local roads, many farmers have to donate a great deal of additional labor and use of equipment from time to time in order to keep their roads in passable condition. The teacher group scarcely reports this form of participation. It is decidedly on the wane wherever improved roads become common.

The heading "Other forms of help" includes a variety of specific illustrations reported by informants. Among these are serving as deputy law-enforcement officials, serving on various honorary boards or commissions such as county, township, or town boards of education or public health, and volunteer or unpaid help in the establishment and operation of facilities to make country life more attractive, such as parks, playgrounds, library systems, and community buildings. Here again the county appears to be most dependent upon active citizenship interest to carry on many of these functions. This is especially noticeable in replies from farmers and local government officials.

Possibly of greater significance than the foregoing indications of active interest in local government are the reasons given by informants for the failure of citizens to take a larger part in this field. These reasons are arrayed in Table 18. Many persons listed more than one reason—hence the totals exceed the number of schedules received. By far the most frequent reply is that which alleges indifference on the part of the citizens themselves. There are no marked contrasts between replies from different types of local government on this score, though the township is apparently somewhat the greatest sufferer. Unfortunately, from these replies it is impossible to get at the causes of such indifference. They are doubtless approached in some of the classified answers of other persons to this same question.

The second most frequently mentioned reason for failure of citizens to take a more active part in local government is that the citizens themselves are not informed

concerning existing governmental problems. This appears to be especially noticeable in the county and is decidedly less in evidence in town and township. It is at least to be suspected that town meetings in New England, and some township meetings in areas where these still occur regularly, are a little more effective in keeping the citizens informed than is true of most county-type areas where less direct means of information spreading seem to be a counterpart of representative government. The complication of joint elections in all county-type and some township-type States of this classification also serves to bedim local issues under the campaign propaganda of state and national party platforms.

Several persons ascribe the lack of citizenship interest in local government to the absence of any real issues therein. This seems to be most pronounced in the New England towns, with counties at the other extreme, and townships about midway between. On the other hand, there is some ground for suspecting that in county government, political parties and party factions may be more active in raising issues than is commonly the case in smaller units of local rural government.

Political corruption is offered more frequently in the answers from New England as a reason for failure to take more interest in local government. Yet in a subsequent more direct question political corruption as a common complaint against town government is not mentioned by persons answering. The allegation, in fact, comes largely from the farmer group in New England, although the tabulation here given does not indicate these occupational sources by areas.

TABLE 18. Reasons for failure of citizens to take a more active interest in local governmental affairs, as reported by correspondents.

REASONS	*New England towns*	*Township areas*	*County areas*	*Farmers*	*Officials*	*Teachers*	*Total*
	Number	*Number*	*Number*	*Number*	*Number*	*Number*	*Number*
Indifference of citizenship	12	179	119	90	202	18	310
Voters not informed on the problems of local govt.	2	30	55	30	51	6	87
No real issues, local govt. insignificant.	6	49	17	15	51	6	72
Can't spare time from work	2	17	21	6	34	0	40
Politics too corrupt	4	18	12	17	12	5	34
Isolation, bad roads	1	8	14	5	15	3	23
One-party system	0	9	10	4	14	1	19
No confidence in local govt.	0	7	10	5	11	1	17
Dissatisfied with present functioning of local govt.	0	16	0	2	14	0	16
Too many tenants and other migrants	0	4	9	2	11	0	13
People not united by other ties of common interest	0	9	0	2	3	4	9
State concentration of functions	2	3	3	1	5	2	8
Women do not vote or take part	0	1	5	2	4	0	6
Inadequate salaries for local officials	0	3	2	2	2	1	5
Foreigners control affairs	0	4	0	0	3	1	4

REASONS	*New England towns*	*Township areas*	*County areas*	*Farmers*	*Officials*	*Teachers*	*Total*
Too many elections ..	0	1	2	1	2	0	3
Village or urban domination	1	1	0	1	1	0	2
Governmental inefficiency	0	0	2	2	0	0	2
Local political factions and petty fights	0	0	2	0	1	1	2
Miscellaneous (one reply each)	2	2	7	2	9	0	11
People do take an active part at present	1	28	32	10	50	1	61
Total [a]	33	389	322	199	495	50	744

[a] Many correspondents mentioned two reasons, hence totals in this table exceed the number of schedules returned.

None of the remaining reasons receive any significant proportion of the total number of replies. Distance is somewhat of a handicap in all areas, especially the county; but the farmers to whom distance might well appear to be a major handicap do not mention it as often as do other occupational groups. In the county particularly and most frequently from local officials comes the reply that the citizenship does take an active part in local governmental affairs at present—at least according to these informants' conception of what constitutes active interest.

Complaints Against Local Government. The survey schedule contained a question asking informants to list the most frequent complaints by rural people themselves against the smallest unit of local government in the rural areas of their respective States. The replies are given in Table 19. Approximately one third of all answers stated specifically that there were no general complaints against the present form of local government by the rural people of the area. Government officials answered this way about twice as frequently as did other persons. Such a marked difference seems to indicate that perhaps these men are not as near to the thinking of their rural constituencies as would appear desirable; or if they are cognizant of these complaints and feel that they are unwarranted, these officials have done little to correct wrong impressions now held by the rural people. On the other hand, it may be that other occupational groups are supersensitive to the complaints voiced by rural people against their local governments.

Financial matters are by far the most frequently reported source of dissatisfaction. High taxes figure with special prominence in New England towns, as does the feeling that this unit of government represents a wasteful and extravagant system. At least part of this criticism of town government probably emanates from rural people who fail to appreciate that this one unit must (in New England) serve the needs of villages or even cities of some size as well as the needs of farm areas. Some functions and services which are necessary for the comfort and welfare of these non-farming elements doubtless appear to be extravagances and luxuries to the farm

people. Thus the question may resolve itself into one of better tax equalization as between the different classes of property in the town that are subject to taxation for local purposes. It is also interesting that the farmers themselves, in reporting complaints of a financial nature, view the difficulty chiefly from the spending angle—their appeal is for economy and efficiency in spending as a governmental policy rather than for a decrease in revenues raised for adequate governmental services to rural areas.

Graft and political corruption seem to be more of a problem in county and township than in New England town government, according to our reports. However, this criticism, like the one of extravagant and wasteful expenditures, may be evidence of vague suspicion that all is not well in these matters, rather than a definite assurance of a critical situation. In other words, the criticisms are not as specific as one might wish. Doubtless ideas of similar nature could be found among almost any considerable body of voters concerning any form of government.

There are some complaints that local government officials are incompetent and ignorant. Not much wonder, when one considers the way in which they are put into office and the financial inducements held out to prospects for such positions. In fact, with the rapid turn-over of elected personnel in many of these political areas, it is surprising that conditions are no worse than they are. Bad roads seem to be a source of some dissatisfaction, especially in the township. In fact, townships have been proverbially poor road-builders, and township road sys-

TABLE 19. Chief complaints of rural people against their local governments as reported by correspondents.

COMPLAINTS	*New England towns*	*Township areas*	*County areas*	*Farmers*	*Officials*	*Teachers*	*Total*
	Number	*Number*	*Number*	*Number*	*Number*	*Number*	*Number*
High taxes ...	6	44	51	27	68	6	101
Inefficient and extravagant system	7	46	37	41	36	13	90
Graft and corruption	0	29	31	20	31	9	60
Officials incompetent or ignorant	3	21	25	13	34	2	49
Poor roads built	1	32	13	14	28	4	46
Urban domination and exploitation ...	1	9	13	8	15	0	23
Laws not fully enforced	0	10	13	6	17	0	23
Favoritism to parts of area	0	12	5	6	9	2	17
State domination and interference ..	1	12	0	3	9	1	13
Does not meet rural needs .	1	7	4	5	7	0	12
Too many elective officials	0	4	5	3	5	1	9
Taxes or assessments not equalized ...	2	3	2	5	2	0	7
Poor schools ..	1	0	4	1	4	0	5
Unit too small in size	0	3	1	0	4	0	4
No developmental program .	0	3	0	1	1	1	3

COMPLAINTS	*New England towns*	*Township areas*	*County areas*	*Farmers*	*Officials*	*Teachers*	*Total*
No strong common interests in the area .	0	0	3	0	2	1	3
Salaries too high	0	1	1	2	0	0	2
Tax burdens shifted or evaded	0	1	1	0	2	0	2
Govt. does not represent the people	0	0	2	0	2	0	2
Personal liberty too much restricted	0	0	2	0	2	0	2
Salaries too small to secure real leaders	0	0	2	0	1	1	2
Petty grumbling and discontent only ...	0	0	2	0	2	0	2
Miscellaneous .	0	5	8	6	7	0	13
No general complaints	6	120	110	41	189	6	236
Total[a] ...	29	362	335	202	477	47	726

[a] Many correspondents mentioned two complaints, hence the totals in this table exceed the number of schedules returned and tabulated.

tems (except in the case of a few suburban communities) are now generally classed as inadequate in the light of modern traffic requirements. The remaining complaints are scattered and do not warrant any extended comment. They do, however, indicate some sources of discontent with existing conditions which merit further study in

TABLE 20. Suggestions for obtaining better enforcement of laws within units of local rural government offered by correspondents.

SUGGESTIONS FOR SECURING BETTER LAW ENFORCEMENT	*New England towns*	*Township areas*	*County areas*	*Farmers*	*Officials*	*Teachers*	*Total*
	Number	*Number*	*Number*	*Number*	*Number*	*Number*	*Number*
Strengthen educational system in this regard	5	55	58	28	79	11	118
Elect better officials	4	56	58	36	75	7	118
Create more favorable public opinion	1	37	35	19	50	4	73
Citizens really coöperate in law enforcement	3	28	19	13	35	2	50
Fewer, simpler, better laws	3	12	23	11	26	1	38
Impartial enforcement, remove from politics	4	17	13	14	19	1	34
More enforcement officials	2	21	10	15	14	4	33
State police or supervision	2	10	11	9	10	4	23
Make punishments more severe	0	6	8	5	9	0	14
Simplify and speed court procedure	0	5	13	4	14	0	18
Modify or repeal the Volstead act	1	10	0	1	10	0	11
Secure better trial juries	0	4	7	0	11	0	11

SUGGESTIONS FOR SECURING BETTER LAW ENFORCEMENT	*New England towns*	*Township areas*	*County areas*	*Farmers*	*Officials*	*Teachers*	*Total*
Pay better salaries to officials concerned ...	0	5	6	1	8	2	11
Abolish the township as an enforcement unit ..	0	9	0	2	4	3	9
Appoint all enforcement officials	0	3	6	2	6	1	9
Encourage better home training for children	1	3	3	0	7	0	7
Home rule, more local power .	0	6	0	1	4	1	6
Enforce only those laws which the public approve .	0	2	4	2	3	1	6
Rigid enforcement of the prohibition laws	0	3	2	0	4	1	5
Longer terms of office	0	2	2	1	3	0	4
Increase county's powers .	0	0	4	0	3	1	4
Increase the influence of religion	0	3	0	1	2	0	3
Remove lax officials sooner	0	1	2	0	3	0	3
Exclude all foreigners	0	1	2	1	2	0	3
Organize a county police ...	0	2	1	0	2	0	2
Improve farming conditions	0	1	1	1	1	0	2

SUGGESTIONS FOR SECURING BETTER LAW ENFORCEMENT	*New England towns*	*Township areas*	*County areas*	*Farmers*	*Officials*	*Teachers*	*Total*
Abolish direct primaries ..	0	0	2	2	0	0	2
Lower taxes ..	0	0	2	1	1	0	2
Miscellaneous .	0	9	8	4	13	0	17
Total [a] ...	26	310	300	174	418	44	636

[a] A number of correspondents mentioned two means of securing better law enforcement, hence totals in this table exceed the number of schedules tabulated.

any plans for reorganizing local government in rural areas.

Suggestions for Better Law Enforcement. The question on the subject of better law enforcement, as it appeared on the survey schedule, asked informants to list any suggestions which they might be able to offer looking toward the more adequate enforcement of all laws by the smallest rural units serving in this capacity for their respective States. The replies include a wider range of ideas than do replies to any other question in the schedule. Table 20 contains a summary of these suggestions. Two proposals stand out prominently. An educational approach to better law enforcement appeals somewhat more strongly to teachers and local government officials than it does to farmers, while differences between areas are so small as to be disregarded. The second suggestion, in total being reported the same number of times as the first, urges the election of better enforcement officials. Farmers are the most insistent upon

this recommendation. Area differences, though still small, are somewhat more noticeable. New England towns place least and counties most reliance upon the possibility of electing better officials.

The idea of arousing public opinion more thoroughly on the side of greater law observance appeals to about 10 per cent of all persons replying. Local officials seem to have a little more faith in the efficacy of this proposition than do other people. The fourth most frequently reported suggestion, that of securing the direct coöperation of citizens in enforcement, is closely related to the idea of arousing the public conscience in its support. A number of replies amplified this recommendation by urging that citizens be more willing to report lawbreakers, to serve on grand and trial juries, and to assume a more constructive attitude toward present officers who are charged with the enforcing of any laws.

The remaining suggestions represent a great variety of ideas. Some are in accord with the views of modern criminology; others are more or less questionable from this viewpoint. The prohibition laws come in for a share of criticism, especially by the local government officials; the recommendation that "only those laws which the public approves should be enforced" brings up some fundamental issues in theory and practice. With the present rapidity of transportation over long distances it is exceedingly questionable whether the position of the "local nullificationists" has much sound theory behind it (if it ever did have). It would appear that at least state laws concerning the major offenses against honesty, decency, health, peace, social welfare, and property

rights should be enforced with equal rigidity throughout the bounds of each State. A majority of replies to this question of law enforcement put major emphasis upon what might be called positive measures for securing better enforcement, while but a minority stress those means that are primarily repressive in character. This is an encouraging response.

Farmers and government officials in their respective suggestions indicate a slight tendency to pass the responsibility to each other in this matter of law enforcement. Farmers stress the need for more and better enforcement officials, the elimination of politics, and the establishment of state police systems, or at least closer state supervision over local enforcement authorities. On the other hand local government officials urge education, citizenship coöperation, better juries, and a modification of the prohibition law as paths to greater enforcement. A combination of the best features of both sets of suggestions seems to be more satisfactory as a whole.

Finally, the wide spread of answers may well be taken to mean that in this field greatest progress will be made not by any one change but by a whole series of gradual yet basic alterations in the present state of affairs.

CHAPTER XI

MUNICIPAL INCORPORATION FOR RURAL AREAS

ONE of the most significant trends in local government in the United States has been the separate incorporation of villages, towns, and cities for general municipal purposes.[1] This development has been pronounced throughout the entire country except in New England, where all but the larger cities have more generally remained parts of the town governments within whose boundaries they are situated. In most States these incorporated places are still subordinate to county government for those general functions which counties perform. Only a few of the largest metropolitan centers and several cities in Virginia are combined city-county units whose boundaries are identical. In some States in which townships exist, all incorporated places, or at least the smaller ones, are likewise subordinate to township government for some purposes.

The major reason for separate municipal incorporation by so many trade centers, both large and small, seems to have been to gain more extensive powers of local self-government to enable them to provide municipal services and improvements which existing units of local rural

[1] See Chapter III.

government serving these trade centers did not have authority, or were unwilling, to provide. Most of the smaller compact settlements of non-farming people in the United States still obtain the major part of their livelihood in return for rendering an ever-increasing variety of services to surrounding open-country populations. But this more or less complete segregation of thousands of farmers' trade centers into separate local municipalities with added powers of self-government has been a very real factor in promoting and continuing town-country antagonisms. The basis for these difficulties will receive our attention in a later chapter, but in order to introduce the second part of our survey data on basic reorganizations for local rural governmental areas, brief mention of this situation is necessary.[1]

When open-country areas desire to undertake something that at present is not within the grants of authority possessed by their local governments, two means of securing the needed authority have been available. The first method is to get the state legislature to pass a general law extending the desired authority to all counties or townships, or to secure passage of a special local law allowing one specified area to do the thing for which authority is sought. Sometimes constitutional limitations prevent the granting of such a privilege to local government. In such cases the only way to acquire it is by the tedious and difficult process of amending the Constitution. Incorporated places are not hampered by these difficulties to the extent that obtains for counties and townships. The second method is to have a law passed

[1] Chapter XV.

(if not already on the statute-books) permitting the incorporation of a special taxation district with its own set of officials and with authority to raise revenues for the one purpose allowed by law for such a district. After state legislative authority has been secured, the special district is organized locally upon petition and subsequent special election within the area covered by the proposed district. This is likewise a cumbersome process and has introduced some perplexing problems in taxation and bonding where a number of such special taxation districts overlap at least in part. Again, incorporated villages and cities, because of more liberal powers of local self-government, and often more suitable areas, do not have to resort to such a method so frequently.

Within the past twelve or fifteen years some attempts have been made to solve the problem of providing an adequate rural government along quite different lines. One State, North Carolina, has arranged for an entirely new unit of local government—the incorporated rural community, as it is designated in the statutes.[1] This idea has been up for discussion in several additional state legislatures. In other States some changes are being made in township and county governments and in the laws establishing special municipal corporations. All of this seems to indicate that state lawmaking bodies are at last beginning to realize the unsatisfactory character of many features in present local rural government, and are seriously attempting to make improvements designed to meet the changing demands of modern conditions.

[1] See Chapter XVI. For a complete copy of this law, see North Carolina Public Laws for 1919.

In this survey, several questions were included for the purpose of finding any suggestions in the direction of local governmental reorganization to promote more town-country coöperation and more effective governmental institutions and services for rural America. Most of the government officials and farmers answering these questions had probably never thought much about town-country coöperation in matters of local government, as was suggested in the questionnaire. It is therefore natural that their replies should be conservative, and that a considerable number should fail to answer.

Should Rural Areas be Allowed to Incorporate for General Purposes of Self-Government? Preceding the questions in this section Professor Sanderson's definition of a rural community was inserted to try to indicate to informants what might be involved as to area and people if locally self-determined areas were to be permitted to incorporate for general purposes. This definition is as follows: "A rural community consists of the people in a local area tributary to the center of their common interests." [1] Then the informants were asked to state whether such localities should be permitted to incorporate, much as villages, towns, and cities are given this privilege at present. The replies to this question appear in Table 21.

It is not surprising that the proposition should receive support from only a minority of those answering. To the average layman or local politician such a proposal doubt-

[1] Dwight Sanderson, "Locating the Rural Community," Cornell Reading Course for the Farm, Lesson 158, page 417. Ithaca, New York.

TABLE 21. Number of correspondents favoring or opposing municipal incorporation of rural localities for general purposes of local self-government.

ATTITUDES	NUMBER OF PERSONS REPORTING						
	New England towns	*Township areas*	*County areas*	*Farmers*	*Officials*	*Teachers*	*Total*
Favoring municipal incorporation of rural areas	4	91	78	53	97	23	173
Opposing municipal incorporation of rural areas	21	132	131	78	196	10	284
Not specifying	5	24	27	25	31	0	56
Total	30	247	236	156	324	33	513

less involves too many innovations to receive his immediate approval. A really interesting feature of these returns is the fairly large proportion of informants in both township and county who do appear to favor some plan of incorporation. In the New England town where there already exists an approximation of what might be involved in this idea, the opinions are naturally overwhelmingly against such an obvious duplication of local governments. In the occupational classification, teachers seem to favor the incorporation plan by more than a two-thirds majority. Likewise, among those farmers who had a definite idea one way or the other, nearly half give their approval. The greatest opposition comes from local government officials, a decidedly smaller proportion of whom indicated any indorsement of such a change in local government for rural areas.

With no argument in favor of permissive incorporation for rural areas appearing in the survey schedule other than possible slight inferences contained in the formal questions and Sanderson's definition, the fact that so considerable a number of persons apparently see some possibilities in this idea indicates a fairly definite minority opinion in favor of rather marked reorganization of local government in the United States outside of New England. It may also be taken as partial evidence that thorough reorganization instead of more or less superficial readjustments is going to be required so far as the ideas of these people are concerned.

Should a Village and its Tributary Rural Trade Area be Incorporated as a Single Municipality? The proposed rural municipality discussed in the preceding section might consist of a trade town and its surrounding territory, or it might consist of substantially open country centering around a school, church, or crossroads hamlet. There seems to be a growing feeling that neither the farmers' trade town nor the farm areas surrounding it can achieve the maximum in economic or social development when these two are distinctly antagonistic one toward the other. The question then arises, would not a closer linking of their common civic interests through uniting them as a single incorporated municipality serve as one basis for further coöperation along all lines? Again, outside of New England, the inclusion of any considerable farming territory within the limits of an incorporated village or town is practically impossible in most States because of limitations in laws establishing these incorporated places. Such prohibitions

were intended to protect farm areas from urban impositions and to avoid some complications of tax assessment and levying which are almost bound to exist in a joint town-country area. Now, however, certain special taxation districts are permitted to ignore the boundaries of incorporated places within the purposes for which they are organized, and certain trends in modern taxation give promise of more equitable support of local government, so that at least a start has already been made in the direction of town-country consolidation for governmental purposes.

To see whether there is any great degree of enthusiasm for a plan of reorganized local government which would unite the farmers' trade centers and surrounding country-side into a single municipality, the questionnaire called for an opinion on this proposition. The replies are

TABLE 22. Number of correspondents favoring or opposing the inclusion of farmers' trade centers and surrounding open-country territory within the bounds of a single consolidated rural municipality.

ATTITUDES	NUMBER OF PERSONS REPORTING						
	New England towns	*Township areas*	*County areas*	*Farmers*	*Officials*	*Teachers*	*Total*
Favoring consolidated municipality	15	79	84	44	116	18	178
Opposing consolidated municipality	4	98	53	62	87	6	155
Not specifying	11	70	99	50	121	9	180
Total	30	247	236	156	324	33	513

indicated in Table 22. In this case, as was true in the preceding question, a number of informants were uncertain as to how to reply.

After a period of more than three hundred years, the joint village-farmland areas comprising typical New England towns of to-day seem to appeal to people of this part of the United States as being more suitable for purposes of local government than does the alternative of separate units for trade centers and for farm lands. When we also note the fact that in New England there is still no marked tendency for urban centers within these towns to seek separate incorporation, it seems that the present consolidated unit of town government is still giving a fairly good account of itself.[1]

In the county type also, a fairly good majority of those having definite opinions on the subject seem to favor the consolidated town-country municipality. Although the present table fails to indicate it, a large proportion of those advocating this grouping of town and country are residents of Western and Southwestern States. Comparatively few from the old South seem to have much faith in the ability of a joint area to serve local needs any more acceptably than the present system.

Informants replying from township-type States show considerable opposition to the suggestion that trade center and tributary farm area be combined as a joint municipality. This may be in part a reflection of former times when relationships between farmers and townspeople were probably more strained in at least some corn-belt States (where townships are also most prevalent)

[1] For further evidence, see page 38.

than has been true of other sections generally. Antagonisms still persist in many of these localities. Another possible cause of apprehension from these township-type States may be in the inequalities of taxation which have resulted in many instances of town-country school consolidations, and the feeling that additional injustices might be perpetrated under complete consolidation for more general purposes of local government. In fact, several schedules cited instances of this kind as reasons for opposing further consolidation between these areas.

In the occupational classification, both teachers and local government officials seem to favor a town-country municipality, though the majority of officials is not impressive. Farmers, on the other hand, are decidedly opposed to the idea. Many of them stated that fear of additional urban domination and exploitation prompted them to oppose any expansion of coöperation in governmental matters between townspeople and farmers. Any first-hand experiences with urban exploitation would probably serve to prejudice the sufferer for a long time to come.

Taxation in a Consolidated Municipality. One of the most difficult problems to be faced in connection with any proposal to unite town and country for local governmental purposes is that of equitably dividing the tax burden among all classes of taxable wealth. As a means of getting some suggestions on how to meet this problem, two questions were included in our questionnaire. The first asked whether there should be some form of adjustment between farm property and village property either by means of different tax-rates or by the use of different ratios between real values and assessed values,

together with a uniform rate of levy for purposes of local taxation. The second question sought the reasons for the answers to the first question. A number of informants either stated that they were not able to give intelligent answers or left these spaces blank. This was to be expected on so highly technical a subject as taxation. However, the number of specific replies gives some evidence of what these people are thinking.

Answers to these questions are given in Table 23. The majority opinion clearly favors some sort of tax adjustment between village and farm property. This is also true of all sub-groups either by types of local government or by occupations, though in some of these smaller groups the difference is less marked. County and township have higher majorities than has the New England town; the farmers are much more insistent on this subject than are the other two occupational classifications. Several replies from New England stated that it was the practice for town assessors to rate village and city property at decidedly closer to its present market value than was done for farm property, thus in effect already practising what was suggested in the original question to informants. Further study is necessary, however, to determine whether this is a typical method of tax equalization in New England towns.

From these replies, in total, it appears clear that any plan to unite trade centers and surrounding farm areas into consolidated units of local government will need to be very specific as to taxation. If the plan is to be acceptable, especially to the farmers, it will probably have to depart from traditional methods of assessing and levy-

ing the general property tax. Some altogether new forms of taxation may be required.

Among the reasons in favor of some offset or adjustment in taxes, differences in the answers from the different areas are negligible. The idea that village and farm property receive different benefits from local government is stressed by more than 90 per cent of all specified replies, including two occupational groups. Almost as large a percentage of farmers emphasized this view. One has only to mention several municipal functions and the reason offered by these people is understood. Street lights, water supplies (if municipally owned), sewers, sidewalks, street-cleaning, garbage and rubbish collection, are services frequently undertaken by even small incorporated places. Yet for most of the farms that might be included if the municipality were extended to embrace them as well as the village center, these services would be worth little or would be far too expensive in relation to their value. The abatement of menaces to health, the providing of parks or fire protection, although of unquestionable value to all, are usually more vital and require relatively greater expenditures for the densely populated parts of such a consolidated municipality. On the other hand, schools (with adequate transportation), municipal electric power plants (with equitable charges for current consumption for all users), or cleaning of snow from roads and highways would appear to benefit all property more nearly in proportion to its value. In a last analysis, the question of degree of benefit in relation to real property values often breaks down, as when a village or city provides equally good schools for all the children of the

TABLE 23. Number of correspondents favoring or opposing some definite plan for adjusting property taxes either by differences in rates or in ratios between assessed values and market values for village and farm property included in a consolidated rural municipality containing both types of area, and reasons for these attitudes.

SOME FORM OF TAX ADJUSTMENT BETWEEN VILLAGE AND FARM PROPERTY INCLUDED IN A SINGLE CONSOLIDATED RURAL MUNICIPALITY.

ITEMS	NUMBER OF PERSONS REPORTING						
	New England towns	*Township areas*	*County areas*	*Farmers*	*Officials*	*Teachers*	*Total*
Favoring some tax adjustment	12	124	109	84	145	16	245
Opposing some tax adjustment	11	75	70	38	105	13	156
Not specifying	7	48	57	34	74	4	112
Total	30	247	236	156	324	33	513
REASONS FAVORING SOME FORM OF TAX ADJUSTMENT							
Areas receive different benefits	10	102	87	61	126	12	199
Village property able to pay a higher rate	1	3	6	6	4	0	10
Different sources of income	0	2	1	2	1	0	3
Zoned by distances from the center	0	1	1	0	2	0	2
System unfair otherwise	0	2	0	0	1	1	2
Miscellaneous	0	2	1	3	0	0	3
Not specifying	1	12	13	12	11	3	26
Total	12	124	109	84	145	16	245

REASONS FOR OPPOSING SOME FORM OF TAX ADJUSTMENT

ITEMS	NUMBER OF PERSONS REPORTING						
	New England towns	*Township areas*	*County areas*	*Farmers*	*Officials*	*Teachers*	*Total*
Areas receive equivalent benefits	2	29	15	8	34	4	46
Taxes should always be equal in rate	4	17	18	11	25	3	39
Much simpler plan	1	1	3	1	2	2	5
Village property worth more	0	3	1	1	3	0	4
Other plans discriminatory	0	1	3	1	3	0	4
Use property income basis and same tax-rate	0	1	2	1	2	0	3
Constitution requires uniformity	0	1	1	0	2	0	2
Other plans would cause hostility	0	1	1	1	0	1	2
Miscellaneous	0	4	1	0	4	1	5
Not specifying	4	17	25	14	30	2	46
Total	11	48	70	38	105	13	156

locality regardless of the contribution made to the city revenues by the property owned or rented by the families of these children. To say the least, more scientific research is needed to determine the degree to which present property taxation for local purposes and the services rendered by local government actually coincide or are at variance with the so-called benefit theory of taxation.

The second most frequently reported reason in favor of some tax adjustment (given by only a small number,

however) stresses a different principle of taxation—the ability to pay. Farmers are somewhat more insistent at this point than are local government officials or teachers. In the replies it was apparently assumed that village property in relation to its market value yields a larger net return than that obtained from farm property. This is probably true, on the average, for two reasons. First, farm property is usually considered a safe and conservative security. Persons investing in farm lands or lending money upon farm lands as security are willing to accept a somewhat lower rate of return, hence the market price of land is boosted a little. Second, the inflation of land values and subsequent heavy declines in farm incomes since 1920 caused many people to receive small returns or sometimes no returns at all upon land purchased or mortgaged during the boom period. In the main, village and city real property did not suffer such extreme changes in market values, nor have real incomes thereon been so much reduced by declining price levels. Then it may be that, since so much income-producing property in the cities escapes taxation so far as property taxes are concerned, some people may assume that real property in the cities should be made to stand any losses in revenues occurring from failure to assess personal property. The remaining reasons offered in the replies are scattering and serve to indicate the spread of ideas rather than any definite trend of thought.

Replies from persons who give specific reasons for opposing any tax adjustment as between village and farm property in a consolidated municipality show somewhat greater variety and correspondingly less concentration

about a single idea. However, in this case two reasons were given by three fourths of all who replied. The chief reason mentioned is that both classes of property, town and country, receive equivalent benefits in proportion to their values. This argument figures more prominently in the replies from the township and local government official groups. In the New England town, already long experienced with the taxation of both village and farm property for purposes of local government under a single unit, a distinctly smaller proportion of the replies give this reason. The smallness of the sample in this instance, however, precludes any definite conclusions upon its significance.

The second most important reason for opposing any adjustment in taxes as between village and country property in a consolidated municipality takes the form of the traditional argument that taxes should always be equal in rate for the area or subjects to which they apply. Its chief support comes from the New England towns and from the farmers. One is tempted to question whether many who offered this reason were not unduly influenced by the rather questionable assumption that equality in rate means real equality in burden sharing. Income and inheritance taxes depart from a narrow interpretation of this principle. Also, in some States in which progressive tax reforms have been made the rate of tax now levied upon such forms of property as stocks, bonds, mortgages, saving accounts, money on deposit subject to demand, and cash on hand may be quite different for each class of personal property mentioned. Actual and apparent equality do not necessarily coin-

cide or even closely approach each other in many localities where antiquated taxation policies are still employed.

The remaining answers, although scattered, at least in some instances indicate constructive thinking on the part of those replying. Such improvements as using 100 per cent market values as assessment values, or changing the basis of assessment to actual or computed present annual income or rental values, or some combination of this and market values, would certainly help to overcome at least part of the present inequalities of taxation. Even among the answers given by persons who opposed some definite form of tax adjustment as between village and farm property there is considerable evidence that changes in the existing system are needed to bring about a closer approach to justice in taxation at the hands of local government.

The foregoing paragraphs on taxation are not submitted as a scientific analysis and a series of recommendations as to what should be done in this field. They represent simply a summary of replies to a few questions, made chiefly by persons who are not experts, together with some evidences obtained from additional comments on the returned schedules and a minimum of interpretation by the author.

SUMMARY AND CONCLUSIONS

What is the value of information assembled by this survey and what conclusions may be drawn from it? In an earlier chapter [1] something was said about the relia-

[1] Chapter IX.

bility of answers and the value of the data as an expression of rural people upon this subject. It now remains to indicate briefly the general significance of this information.

In the first place, it seems evident that a considerable proportion of all persons outside of New England feel that a great many townships and some counties are so artificially constituted that their residents cannot be expected to have much interest in local government, since there is so little in these areas that is favorable to the development of strong group consciousness. The one alternative plan suggested—to allow self-determined local rural areas to incorporate under charter for municipal purposes—appeals to a large number of the informants. The desirability of continuing some degree of local self-government has been assumed throughout this study, and many evidences in the returned questionnaires pointed to strong opposition to any changes that would reduce the degree of local self-determination by increases in state administrative authority or even, in some cases, by transfers of authority from smaller units to counties. It is still possible to foster personal participation in local governmental affairs by the citizens of rural areas if governmental organization and powers are directed with this end in view. In this respect local rural government has a much easier problem to solve than has municipal government in our great centers. Furthermore, these rural units must be large enough to provide an adequate tax basis and an adequate "volume of business" for the services that local government is to perform, but not so large as to preclude the possibility of actual participa-

tion in its affairs by a considerable proportion of its citizens. This survey indicates certain marked failures of county and township governments to meet these conditions at the present time and suggests the setting up of more suitable units.

The second major indication in our survey data is the rather prevalent conviction that farmers' trade towns and their surrounding open-country areas should be included in a single unit of local self-government in which the varying needs of town and country as well as their common requirements can be adequately met. The whole problem of taxation for the support of local rural government is one which merits the utmost consideration in any plans of reorganization in this field. This is indeed a large undertaking, but one which can and must be accomplished through painstaking research, legislation, and subsequent directive (not repressive) supervision by state authorities.

Finally, throughout a large proportion of informants' replies there is a decided appeal for more scientific facts upon which the adequacy and shortcomings of present local rural government may be better understood. This is a field in which comparatively little basic research has been attempted. The average citizen tends to be suspicious of any research that is financed in whole or in part by private funds from any source, because of a more or less justifiable fear that not all of the facts but only those tending in one direction will be made public. This is especially true in matters of taxation and public finance. On the other hand fear of attack from politicians whose present intrenchments might be jeopardized by

the acid test of unbiased research has doubtless prevented many institutions from undertaking studies in this field.

What more fitting service could be rendered to the farmers than for their agricultural experiment stations to look into these matters and unearth the facts? Each one of these research institutions would do well to put a man on its staff to give his entire time in such research projects. As has been pointed out frequently in recent years, most of the farmer's direct tax payments go to the support of his present local government. Perhaps some real measure of financial relief might be found possible after careful research. At the same time, without increasing present tax burdens, it might be found possible to provide more adequate facilities for maintaining satisfactory farm living conditions as a result of reorganized, modernized, and quickened local rural government. These things can be proved or disproved only after a thorough program of research has been completed, research which has been conducted by public-spirited agencies that will be absolutely open-minded and unbiased in presenting their findings and recommendations.

PART III

THE REORGANIZATION OF LOCAL GOVERNMENT

CHAPTER XII

THE IMPORTANCE OF LOCAL SELF-GOVERNMENT IN THE UNITED STATES

WHAT IS SELF-GOVERNMENT? Such overworked political fetishes as "Let the people rule," "The majority knows what it wants," "The voice of the people is the voice of God," and others of similar purport indicate all-too-frequent fallacious ideas as to the real meaning of popular government. We have put too much emphasis upon certain types of governmental machinery and principles of political organization apparently under the conviction that a government possessing certain *forms* will *per se* be in complete accord with American traditions and ideals of self-government. Our slavish adherence to the doctrine of rigid separation of powers, combined with an elaborate system of checks and balances copied in miniature from Federal governmental organization by even the most elementary forms of local government, is a clear indication of an unbounded faith in mechanical form as one of the most important if not the most important prerequisite to popular government. Yet more recently, the same has been true of our rather blind reliance upon the ballot-box to settle all manner of governmental prob-

lems through the so-called means of direct democracy—the initiative, referendum, and recall.[1]

Likewise, that famous clause, found in the Declaration of Independence and repeated in the Constitution of each State, that "all men are created free and equal," has led us into many pitfalls. Theoretically, it may be possible to maintain political freedom and equality for all, and at the same time to allow economic and social disparities to continue. Practically, it is doubtful if political equality in fact has ever occurred in American history over any extended period of time. Adding to this such biologically inherited inequalities as varying degrees of talent and ability, the difficulty of maintaining complete political equality is yet further enhanced. We have felt for generations that universal suffrage is an evidence of political equality. In actual practice, especially under modern urban conditions, it has meant just the opposite because of control over the vote of ignorant hordes by political bosses and their henchmen.

One important reason for these difficulties has been pointed out by Miss Follett, who indicates that much of the trouble comes from our assumption that government, viewed as an entity separate and distinct from the people, seems to press down continually upon the so-called "natural rights" of individuals subject to its

[1] An illuminating discussion of the rôle of public opinion and the "counting of hands" as bases of democracy and its relationship to the machinery of popular government may be found in A. B. Hall, "Popular Government." New York, Macmillan and Co., 1921. See also E. S. Bogardus, "Fundamentals of Social Psychology." New York, The Century Co. 1924. Chapter XXV.

control.[1] If we accept the group-priority theory in social origins now at least as well supported as its alternative, we see at once that the State and the individual citizens are not and cannot be separated if the State is under the control of its citizens. Miss Follett says:

> The state must *be* the people before it can reach a high degree of effective accomplishment. . . . Our present idea of the state is that it is not something outside ourselves, that it must flow out from ourselves and control our social life. But it must "control" our life by expressing it. The state is always the great Yes, not the great No. Liberty and restraint are not opposed, because ideally the expression of the social will in restraint *is* our freedom. The state has a higher function than either restraining individuals or protecting individuals. It is to have a great forward policy which shall follow the collective will of the people, a collective will which embodied through our state, in our life, shall be the basis of progress yet undreamed of.[2]

This principle is a characteristic of all successful group life in which control is self-determined. Many a farmers' coöperative marketing association has failed because of attempts to isolate the organization into a compartment of its own, as if it were an entity separate from the people who have joined its ranks. The coöperative *is* the people who make up its membership; it is not composed of the contracts that members have signed, the officers or employees of the organization, the charter it possesses, or its physical assets. To be successful the members must learn to think and act together as a common

[1] M. P. Follett, "The New State." New York, Longmans, Green and Co., 1918, Chapters XVI–XVIII.

[2] *Ibid.*, pages 140–141.

whole. The coöperative can but reflect the aims and behavior of its membership. Signing of formal contracts, or delivery of products to the organization in compliance with these contracts, is secondary in the success of the organization compared with the more fundamental experiences of thinking, feeling, and working together in its meetings and in its marketing activities.

Let us now return to our original question, "What is self-government?" Self-government, if it be a fact rather than a rosy and vaporous ideal, involves a recognized unity of ideals and purposes on the part of its citizenship. It must represent a more or less complete substitution, for otherwise non-social or anti-social proclivities of the individual, of a new sense of responsibility to the group and a real willingness to support its collective ideas. In the metaphor of Professor Ross, it is a growth of the star self. Individual behavior patterns are then developed in harmony, not at variance, with the best interests of the group, yet under such conditions of intelligent restraints and taboos as will preserve for all the largest measure of individual initiative. In such a society each person has abundant opportunity to develop his or her special talents and capabilities to the utmost, contributing in this way to the success of the common whole. Individual contributions will not be equal because of varying abilities represented by the people who make up its citizenship, but each person will be stimulated to give of his best. In return, each receives a sum total of satisfactions contributed by other members of the group. Unity of will is accomplished by actual partic-

ipation in various local groups seeking to solve the common problems of community life. It now remains our task in the present chapter to point out the importance of local rural groups in trying to approach such a goal in popular government, not only for local government, but for those more impersonal relationships found in State and Federal Government so far as the average citizen is concerned. Ultimately, world democracy too will have to come through this same development from the local to the world-wide group. It will never come from a super-organization to the smaller groups when the latter are not themselves controlled by democratic idealism and practices.

The Primary Group. One of the most fundamental contributions to sociology and to political science has been made by Professor Cooley in his emphasis upon the importance of primary groups in society.[1] A primary group has, in brief, three major characteristics:

(a) It is an intimate face-to-face group in which the socialization of the individual is accomplished most readily by personal contacts and experiences.

(b) It is a participator group in which most if not all the membership take a rather active part in the group life and contribute something in the creation of various group products emerging therefrom.

(c) It usually has a fairly definite organization structure, the membership of which consists of this face-to-face group. The organization on its functional side may

[1] Charles Horton Cooley, "Social Organization." New York, Charles Scribner's Sons, 1909. Chapters III, IV, and V.

specialize in just one line of activity or its work may be more general in nature, including a considerable variety of different activities.

A quotation or two from Professor Cooley will shed more light upon the large part which this group has played in shaping society.

> Of the neighborhood group [one form of primary group] it may be said, in general, that from the time men formed permanent settlements upon the land, down, at least, to the rise of modern industrial cities, it has played a main part in the primary, heart-to-heart life of the people. Among our Teutonic forefathers the village community was apparently the chief sphere of sympathy and mutual aid for the commons all through the "dark" and middle ages, and for many purposes it remains so in rural districts at the present day.[1]

Referring to the primary group in its relationship to ideals and morals, Professor Cooley sounds another note basic to success in any popular government which would seek to develop rather than to repress its citizenship:

> The ideal that grows up in familiar association may be said to be a part of human nature itself. In its most general form, it is that of a moral whole or community wherein individual minds are merged and the higher capacities of the members find total and adequate expression. And it grows up because familiar association fills our minds with imaginations of the thought and feeling of other members of the group, and of the group as a whole, so that, for many purposes, we really make them a part of ourselves and identify our self-feeling with them.[2]

[1] *Ibid.* page 25.

[2] *Ibid.* page 33. See also C. A. Elwood, "The Psychology of Human Society." New York, D. Appleton, 1926. Chapter IV.

Socialization of the individual is most effectively achieved within the bounds of the primary group—*e.g.* family, play group, neighborhood, club, lodge, local church, and so on. One of the difficulties of urban life, and likewise an increasingly difficult one of rural life because of improvements in transportation, is this problem of fostering such effective face-to-face groups for all the people as will serve to unite them into local territorial groups having a thoroughly vitalized interest in civic affairs. Morals, ideals, law observance, are all much more effective if these local groups are everywhere actively functioning in their respective fields of service. Anything that will stimulate more primary-group contacts will be of considerable value in helping to meet some of our more important present problems in governmental affairs.

Miss Follett would have all political life based upon primary groups as the ultimate unit of organization.[1] She is thinking more particularly in terms of urban conditions, but her thesis is equally pertinent to rural areas. In order to evolve a primary-group consciousness as a basis of socialization (and of democracy), she recommends five things:

1. Regular meetings of neighbors for the consideration of neighborhood and civic problems, not merely sporadic and occasional meetings for specific objects.
2. Genuine discussion at these regular meetings.
3. Learning together—through lectures, classes, clubs; sharing one another's experiences through social intercourse;

[1] Follett, *op. cit.* Chapters XXII and XXIII.

learning forms of community art expression; in short, leading an actual community life.

4. Taking more and more responsibility for the life of the neighborhood.

5. Establishing some regular connection between the neighborhood and city [local], state and national governments.[1]

Rural organization, most frequently advocated on the basis of local units of such size that under modern transportation conditions frequent face-to-face meetings and contacts are possible, has been a matter of discussion for several years at the annual meetings of the American Country Life Association.[2] This body has also taken up the question of a reorganized local government in rural areas based upon natural social and economic alinements of the rural people. Some suggestions from these sessions will be considered in a later chapter,[3] but it should be noted here that their recommendations almost without exception have to do with units that possess as many characteristics of the primary group as it is now possible to obtain.

It is to be seriously doubted whether the so-called "neighborhoods," clearly the most characteristic rural primary groups next above the farm family in size, during the era of horse-transportation economy in rural America, will be preserved in their then existing forms under the changed condition of more rapid communica-

[1] *Ibid.*, pages 204–205.

[2] See especially the reports of the first five National Country Life Conferences, American Country Life Association, 1919–1923 inclusive.

[3] Chapter XIV.

tion. The recent works of Kolb [1] and Sanderson [2] show a well-defined tendency for open-country neighborhoods, especially those nearest farmers' trade centers of any size, to decline in importance as social groups. In many cases these neighborhoods have ceased to be anything more than locality names. In their place many so-called "interest" groups seem to be developing. Some of the latter are well-defined primary groups. Among these are lodges, local church congregations, and farmers' clubs. Others are secondary or impersonal groups in which the members never assemble as a body in recognition of their common interests. Among them are those farmers who patronize the same bank, who receive their mail from the same post-office, or who are connected with the same telephone exchange.

The individuals in a single farm family may be members of several interest groups of the personal or primary type, while their economic relationships may more or less automatically join them in others of the secondary or highly impersonal type. Although there may not be any one organization including substantially all families in a given farm locality (in contrast to the typical neighborhood which usually had some such organization), nevertheless, by means of numerous inter-group connections

[1] J. H. Kolb, "Service Relations of Town and Country." University of Wisconsin Agricultural Experiment Station, Research Bulletin No. 58, Madison, Wisconsin.

J. H. Kolb and A. F. Wileden, "Special Interest Groups in Rural Society." Research Bulletin No. 84.

[2] Dwight Sanderson and W. S. Thompson, "Social Areas of Otsego County, New York." Cornell Agricultural Experiment Station, Bulletin No. 422, Ithaca, New York.

between individuals who do belong to the various organizations, many local areas still remain bound together by a set of social and economic ties. The extent of territory covered in this way is likely to be larger, and more frequently includes or at least surrounds villages or towns, than was true of the former neighborhoods. Our problem, then, in the reorganization of local government in rural areas appears to be one of finding any present or potential groupings of rural people which possess as many of the characteristics of the primary group as possible. Certainly it is a rare instance when a present township or county bears much semblance to a primary group or to a combination of several such groups.

The Place of the Primary-Group Concept in American Government. In the United States we take much pride in our so-called democratic government. If the real basis of self-government has been correctly stated in the foregoing paragraphs, it seems evident that we are far from a realization of its potentialities, partly because of the omission of the primary group from its key place in the system. The seeds of popular government by primary groups were brought over to New England in the traditions and beliefs of the first settlers, who in turn obtained them from the early Teutons. The New England town began as a "simon-pure" primary group democracy. In many less densely settled parts of New England it still survives as a rather intimate face-to-face group. To have self-government of the highest order, we must reëffect a certain measure of primary group organization, call it what you please, as the basis of that government. We can think, plan, and function through self-

government in national or state affairs only to the extent that we have learned to *do* it in local government. We shall continue to add to the list of problems already conspicuously present in our imperfectly functioning system of government until we are willing to accept a sociological conception of group life as an organization basis for local self-governing political subdivisions. Public opinion, respect for law, political justice, and the enactment of desirable legislation all depend upon collective learning to give and take, to plan and act together in personal acquaintanceship groups operated upon democratic principles. This is indeed a slow method of achieving national ideals, or world-wide democracy, but it is the only sure way yet demonstrated in the upward evolution of human society.

CHAPTER XIII

THE NEED FOR REORGANIZATION OF LOCAL GOVERNMENT IN RURAL AREAS

THERE has been criticism for many years concerning the existing governmental machinery in rural areas. A number of devices have been developed to meet some of these criticisms as they apply to relationships between large cities and rural areas included in the same unit of local government, chiefly the county, but comparatively few changes have been made purely from the viewpoint of what rural areas themselves really need. In this chapter, which deals with some of the major reasons for the reorganization of local rural government, the material will be presented as a series of problems with appropriate supporting evidence. Some of these problems have been cited before, but it will be well to go over the entire list just prior to taking up a suggested plan for governmental reorganization.

LOCAL GOVERNMENTAL AREAS DO NOT INCLUDE PEOPLE WHOSE OTHER INTERESTS ALSO TEND TO UNITE THEM POLITICALLY. This difficulty has been discussed at some length in connection with the questionnaire survey, and in relation to the primary-group conception of popular government.[1] On the following pages are several maps

[1] Chapters IX and XII.

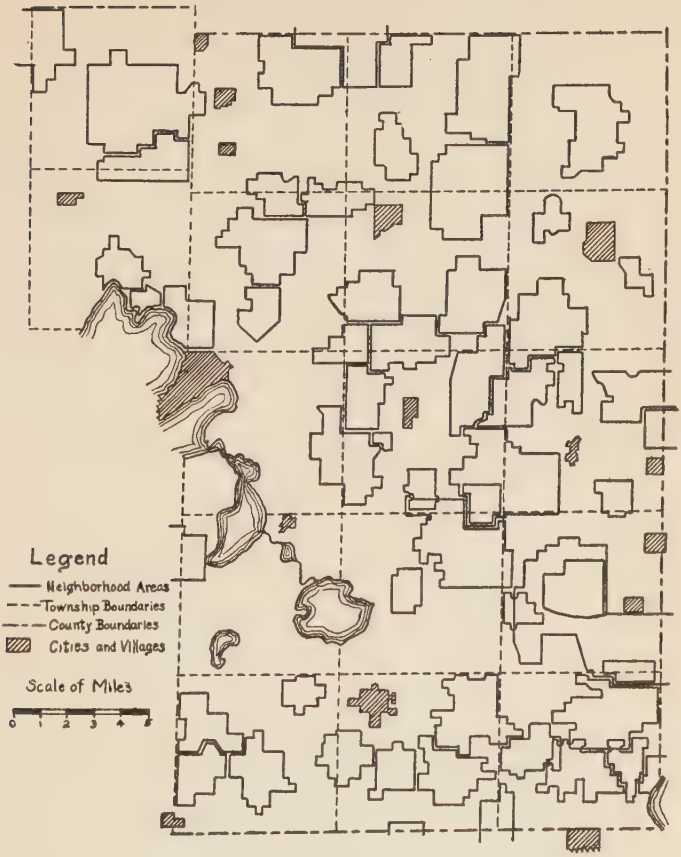

CHART 1

Neighborhood areas in the eastern half of Dane County, Wisconsin

(From J. H. Kolb, Rural Primary Groups, Research Bulletin 51, Wisconsin Agricultural Experiment Station, Madison, Wis. p. 9)

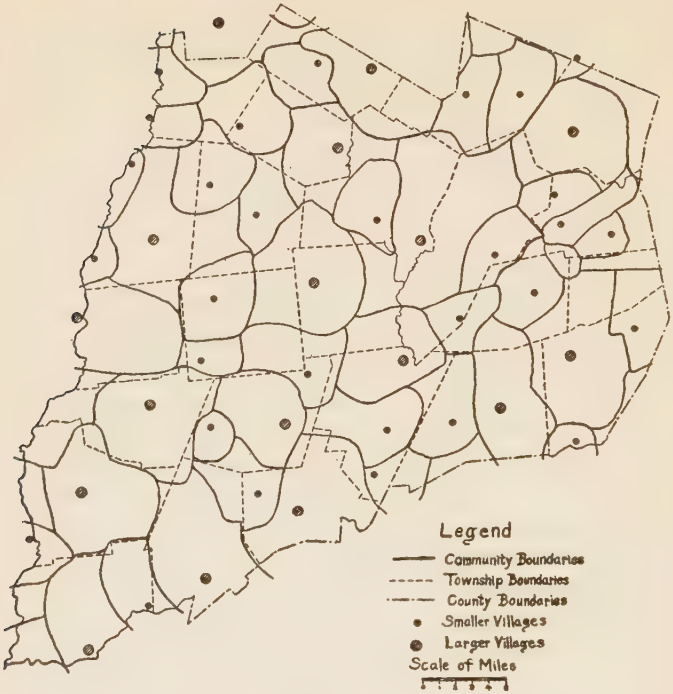

CHART 2

Community areas in Otsego County, New York

(From Dwight Sanderson, and Warren S. Thompson. The Social Areas of Otsego County. The Bulletin 422, Cornell University Agricultural Experiment Station, Ithaca, New York. p. 12)

which represent the attempts of various research workers to indicate social groupings of rural people geographically. Based upon the field work and questionnaire

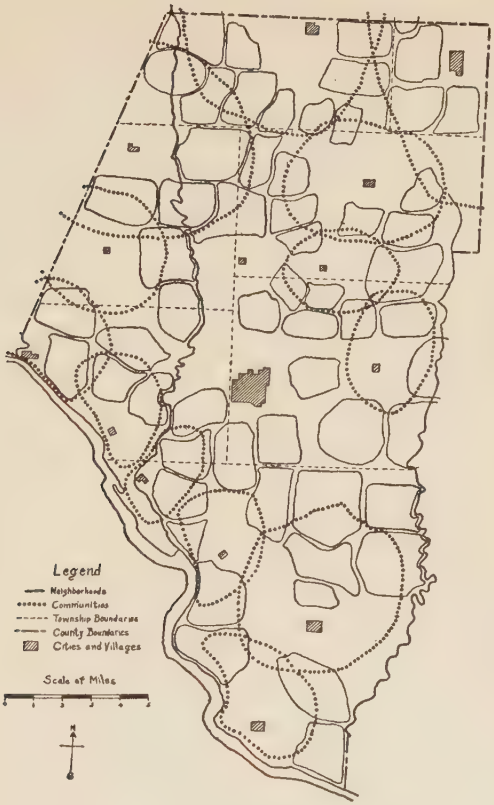

CHART 3

Neighborhood and community areas in Boone County, Missouri

(From E. L. Morgan and Owen Howells, Rural Population Groups, Research Bulletin 74, Missouri Agricultural Experiment Station, Columbia, Mo. p. 74)

schedules of Professor Kolb's first primary group study made at the University of Wisconsin, the author assisted in preparing the base maps for Dane county. The sources of the other maps are indicated in each instance. These maps show many illustrations where local political areas (townships or counties) and social group areas do not bear much similarity to each other. It is quite evident that the county is usually too large to have much primary group consciousness due to an insufficient number of face-to-face contacts through any organizations of a county-wide character. Township boundaries, in relation to areas covered by these social groupings of farm people, appear to be arbitrary. Of course, many neighborhoods have lost much or all of their former social significance, but others are still active. The communities indicated on some of these maps are for the most part "going concerns" at the present time.

Now let us look at some maps showing the more recent "interest" groupings of farm people, to see how well these correspond with existing political boundaries. For all of these maps presented, there seems to be an even greater lack of coincidence between interest groups and political areas than was true even of the earlier neighborhoods. Additional surveys in other areas offer abundant testimony of similar conditions elsewhere. Apparently present units of local rural government are becoming less and less satisfactory from this point of view. With rapidly changing conditions of transportation and communication, we may expect this trend to continue until political boundaries themselves are readjusted and made more flexible.

In contrast, consider for a moment the position of most smaller incorporated places, localities of five thousand people or less, though in some cases the population may be distinctly higher. Here we find a rather high centering of the various interests of their inhabitants (*e. g.*, social, economic, political, educational) within the corporate boundaries of the given area just as soon as this trade center provides such services in accordance with local needs. Nearness to a larger city may cause some trade, especially for luxuries and goods purchased very infrequently, to be channeled through the larger center, but in the main this proposition holds. Of course, large cities are far from being primary groups. They may contain great numbers of primary groups larger than the family within their bounds—so many and perhaps in some instances with such imagined conflicts of interest that larger civic interests are submerged by these other allegiances. On the other hand, a great number of these smaller incorporated places are likely to have a rather high degree of social self-consciousness reinforced by a considerable amount of personal association between a large part of their respective populations. Open-country localities seem to have a lessening number and variety of interests to tie their inhabitants together with the moving of consolidated schools into the villages, abandonment and consolidation of many rural churches, and concentration of economic activities of buying and selling in larger trade centers rather than at hamlets or cross-roads stores. The increasing patronage of commercial amusements and a corresponding reduction in the number of open-country self-created entertainments by farm people

CHART 4

Trade area of Elkhorn, Walworth County, Wisconsin

(From J. H. Kolb, Service Relations of Town and Country, Research Bulletin 58, Wisconsin Agricultural Experiment Station, Madison, Wis., p. 41)

in many localities also break down some of the older forces of socialization.

What is the testimony of some political scientists and rural sociologists on this phase of our rural governmental

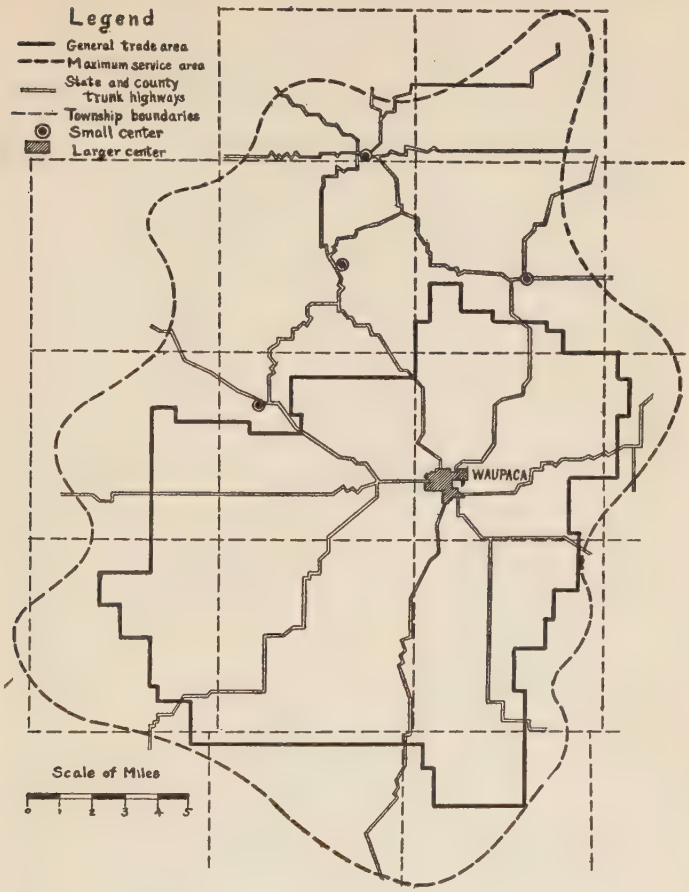

CHART 5

Trade area of Waupaca, Waupaca County, Wisconsin

(From Kolb, op. cit., p. 42)

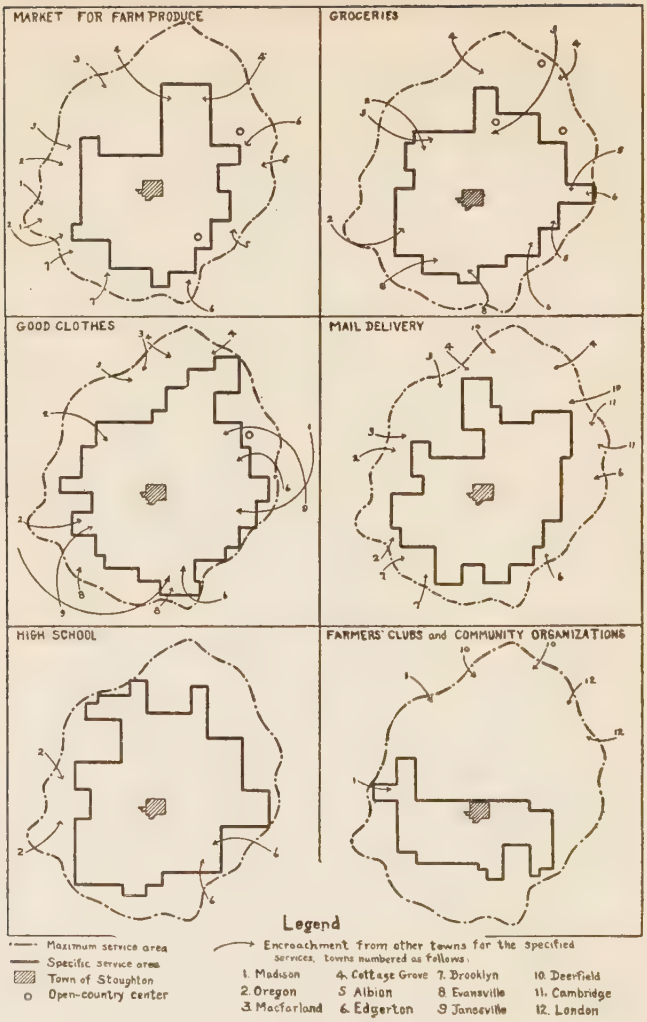

CHART 6

Selected Service areas for Stoughton, Dane County, Wisconsin

(From Kolb, op. cit., p. 49, 54, 57, 59, 68, and 69)

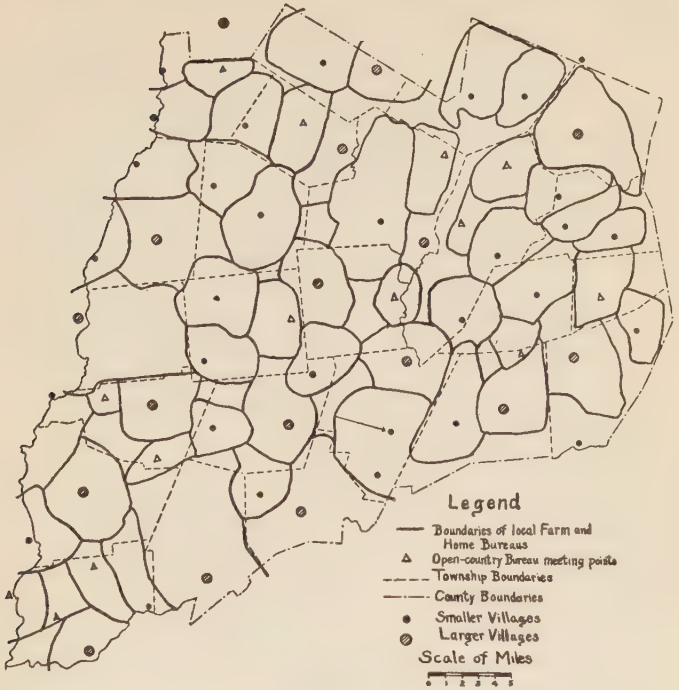

CHART 7

Local Farm and Home Bureau areas of Otsego County, New York

(From Sanderson and Thompson, op. cit., p. 17)

problem? Three quotations will serve to present these points of view briefly; another from Professor Fairlie has been cited in an earlier paragraph.[1] Speaking before the American Country Life Association in 1922, Mr.

[1] See page 48.

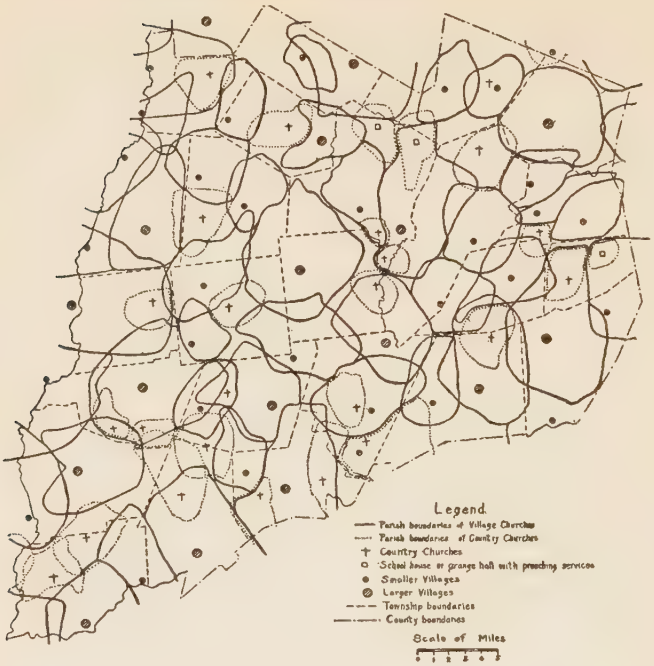

CHART 8

Church Parish areas of Otsego County, New York

(From Sanderson and Thompson, op. cit., p. 30)

Richard S. Childs, then vice-president of the National Municipal League, said:

> Country life can never be what it ought to be until country local government becomes as flexible, capable, and scientific as municipal government.
>
> . . . The whole geography of county boundaries ought to

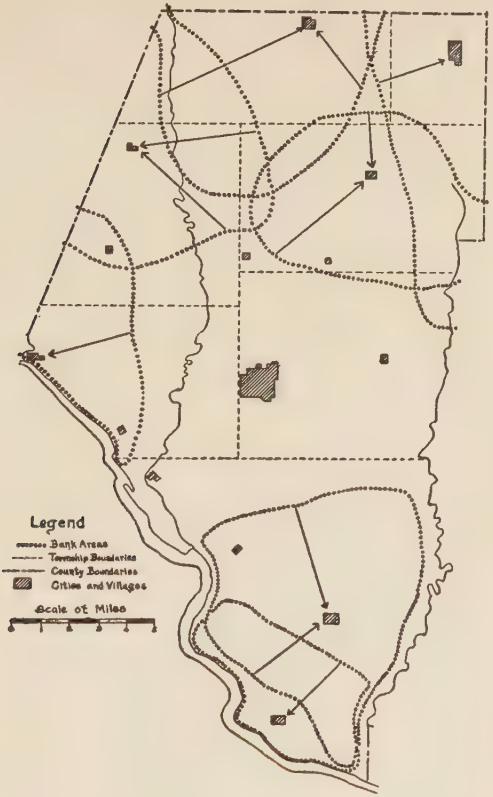

CHART 9

Bank areas of Boone County, Missouri

(From Morgan, and Howells, op. cit., p. 53)

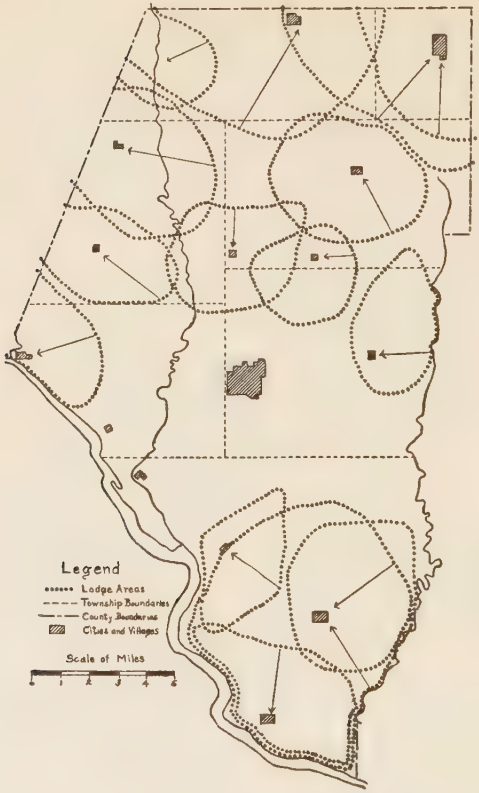

CHART 10

Lodge areas of Boone County, Missouri

(*From Morgan, and Howells, op. cit., p. 45*)

be reorganized in consideration of modern good roads and transportation, to get a unit large enough to justify a completely organized rural municipality.[1]

Ogg and Ray make this statement with regard to the social unity of the present-day township:

> On the whole, township government, outside of New England, plays a relatively unimportant role. This is especially true in the west, where the township is an artificial area, almost totally lacking in the social unity of the old New England town.[2]

Professor Sanderson, from the point of view of the sociologists, gives an equally pointed criticism. He says:

> Until very recently our conception of society has been mostly in terms of political units, largely on account of the lack of any local unit which had social significance to rural people. In recent years, however, students of rural government have become aware of the artificiality and the antisocial character of the township unit. There may be two rival villages within a township, each competing for trade and the support of its associations, and striving for the political domination of the township, while some of the farmers in a far corner of the township may trade in a village in the next township.[3]

Present Rural Government Fails to Meet Existing Needs. The fact that present rural government

[1] Richard S. Childs, "Rural Municipalities of Tomorrow." Proceedings, Fifth National Country Life Conference, 1922. Pages 146–147.

[2] F. A. Ogg and P. O. Ray, "Introduction to American Government." New York, The Century Co. 1922. Page 804.

[3] Dwight Sanderson, "The Farmer and His Community." New York, Harcourt, Brace and Company, 1922. Page 198.

fails to measure up to existing needs and opportunities for serving the people is amply demonstrated from several angles. The great multiplicity of special taxation districts has resulted mainly from two deficiencies. The first is that existing powers and methods of assessing property for purposes of taxation fall far short of what is required to provide many of the services for which special taxation districts are now set up. The second thing is that existing units of rural government are not suitable areas for the improvement in question, and little or no provision has formerly existed in most States whereby these units may coöperate with each other in rendering the desired service. The failure of rural government to meet existing needs is further shown by the tendency (outside of New England) for even very small villages or hamlets, of two hundred to five hundred people, to draw away as far as possible from the local unit immediately over them and to secure additional powers and opportunities of local self-government through the process of municipal incorporation. Thus far, with but negligible exceptions, open-country localities have not been accorded similar privileges.

The immense volume of local legislation enacted at every session of most state legislatures, empowering or requiring certain units to do specified things or to change their forms of organization slightly, is eloquent testimony to the limited way in which counties and townships are allowed to do these things for themselves without higher authority. Although the author has not been able to make a statistical summary of this situation, a study of a number of session laws for several States in-

dicates rather clearly that those States that allow more powers of local self-government to minor political subdivisions pass decidedly fewer special laws of this kind in legislative sessions. This conviction may be somewhat negated because of more rigid restrictions upon the passage of such local legislation now in effect in some of the States. Yet here again, where such restrictions are operative, local government generally has been accorded somewhat more liberal powers of self-determination.

Recalling the wide differences in extent and variety of rural-development powers enjoyed by local governments in the several States, one immediately sees how much farther some of these States have gone in the direction of home rule on questions of permissive legislation for rural improvement, and how short a distance others (in fact, the majority) have moved in this direction.

Local Government Taxation not Equitable. The question of equitably distributing the tax burden is an age-old one, and a problem to the solution of which our existing local governments have contributed but little of fundamental importance. Local government is supported almost wholly out of property taxes, the remainder coming chiefly from fees, fines, and special assessments. Most state constitutions or statute laws require that, for general purposes of local government, taxes must be equal in rate throughout the area. This tacitly assumes an equal benefit return for each dollar of assessed property, regardless of its use or its location within the area; or else it assumes an equal ability to pay on the part of each dollar's assessment irrespective of what the income

on that piece of property may be. The requirement of uniformity in taxation-rate has had much to do with separating town and country politically. The more densely settled areas need services and facilities established and maintained by local government which the farm areas do not need, and would not be willing to pay taxes for, under any circumstances. Therefore, these more or less urban localities incorporate for municipal purposes. On the other hand, they almost invariably continue to pay county taxes (except in those few instances where county and city are conterminous), and, in some States where townships exist, at least the smaller cities continue to pay township taxes. Both of these latter levies are in addition to their own levies for municipal purposes and whatever tax the State government also places upon general property for raising state revenues.

Just outside the corporate limits of most villages and cities is a fringe of settlements whose inhabitants are virtually of the larger place, since their incomes and expenditures are of urban origin and destination, while practically none of their major interests are in the open country unless perchance they are farm landlords or laborers. These people derive most of the benefits which accrue to people who live inside the corporate limits of the village or city, but they contribute practically nothing directly to municipal revenues unless they own taxable wealth within the corporation zone or are included in one or more special taxation districts which transcend the boundaries of the municipality proper. These people usually refuse to come into the incorporated area

through an extension of its boundary lines to include their homes, for they feel that they are getting most of the benefits already without being taxed for their maintenance. In larger cities these "fringe" areas may in fact be some of the most desirable suburban residential places. Here an added problem is introduced because these suburbanites (many of whom should be the city's real civic and political leaders) do not vote in city elections. On the other hand, a relatively larger proportion of the ignorant and boss-controlled city voters are given more opportunity to get the upper hand often for ulterior purposes. Situations of this latter type are not so much a factor in local rural government, but they serve to illustrate an outgrowth of a zone about many smaller incorporated places which does constitute a problem both for the incorporated place itself and for the unit of rural government to which these people belong.

On the other side of the case, unless a densely populated non-farming locality does incorporate, it must be content with almost no improvements; for improvements that apply solely to this part of the township or county can be financed by that area only when it does incorporate for general purposes or when it sets up a series of special taxation districts for the providing of specific improvements. Because of this situation, even farmers' trade centers, whose major interests are closely linked with those of the surrounding farm people, have been practically forced to segregate themselves for purposes of local government, and at the same time more or less permanently alienate themselves from these farmers because of this separate incorporation and the barrier

which it erects, psychologically and otherwise, in the minds of the farm people.

In most New England towns where rural and semi-urban or even urban places are kept together under the one unit of local government some unusual problems have arisen in connection with taxation. In trying to get the electorate to vote in their annual meeting in favor of increased tax levies to cover the cost of municipal improvements for the urban parts of the town, farm people more removed from this center have not infrequently defeated such propositions out of fear of unequal tax burdens caused by the application of a uniform tax-rate throughout the entire town area. Professor Sanderson cites a case in which (because the "fringes" of a town did not want or need a particular improvement the financing of which required a general increase in the tax levy throughout the town, sewers in this instance) the town meeting voted that surface water and rainfall be required to run up hill! They went counter to Nature's laws by defeating a motion made by a canny citizen that no matter what plan was adopted, such drain water should be allowed to take its natural downward course.[1]

In some sections of New England there seems to be a subterfuge method in use whereby constitutional requirements of a uniform tax-rate for the entire town area are being met to the letter, and urban or semi-urban parts of the town are required to pay a much higher tax actually for improvements which are not town-wide in their direct benefit by assessing business and residential

[1] Sanderson, *op. cit.*, page 199.

property in those centers at much nearer its true market value than is done in case of farm lands. The old adage that "Where there's a will there's a way" seems to work even where Constitutions and state laws have apparently tried to set up insurmountable barriers. There is a real objection to this method, however, in that farm area and town center are not properly equalized in their support of county and state government, since these larger taxing areas also use a property tax based upon the above local assessed valuations. The objection would not be so pertinent if state government were supported out of an income tax and other sources of revenue, leaving the general property tax entirely to local government. In fact, some definite steps are being taken in this direction at present. Another possible objection to this assessing practice is that it makes it a little easier for undiscovered injustices in assessing to slip by so that some pieces of property are forced to pay more than their fair share of the taxes and others escape too lightly.

Present Local Governmental Machinery is Ineffective. The present organization of both township and county governments renders these ineffective in many ways, and at the same time serves to lessen the importance of local government in the eyes of its citizens. There are altogether too many elective offices to be filled. Voters are asked to select so many candidates for positions that they are unable to acquaint themselves with the qualifications of the candidates. These numerous elective officials are not responsible one to the other for any coördination of their work. Overlapping, needless confusion, competition, and interdepartmental jealousies

which result from this condition are almost a perfect guarantee of inefficient, irresponsible, and non-functioning government. The absurdity of electing persons for positions of a purely technical and professional nature such as superintendents of schools, surveyors, health officials, treasurers, and clerks is coming to be recognized by many lawmakers as well as by specialists in political science. These existing difficulties in the machinery of local government are indicated in certain attempts at reorganization of county and township government, already effective in a few States and under consideration in others. They may be briefly and concisely summarized as follows:

1. Reducing the size of the county board from a large supervisor type, with sometimes fifty or more members, to a commission type having three to not more than seven members.

2. Providing for an optional plan of county, township, or town-manager organization copied after the earlier city-manager plan. The manager may be hired either by the existing chief governing body of the area (though in New England usually the selectmen rather than the town meeting make the appointment), or by the voters through direct election. The manager may be given power to appoint a larger or smaller number of administrative assistants, at least some of this number being formerly elected by popular vote. Constitutional limitations interfere at this point, and thus far but little has been done in changing these limitations in order that the benefits of a manager plan as applied to local rural

government may be more fully realized. In all cases, the plan is not obligatory upon local areas, but is adopted by local authorization.

3. Making several county offices, notably in the fields of education and public health, appointive either by an honorary board in turn elected by the voters or appointed by the commissioners, or appointed directly by commissioners, selectmen, or in a few cases by the manager. Where new county offices are created, such as those of librarian and agricultural and home-demonstration agents, it is more common to provide that they be filled by appointment rather than by election, though in the latter instances Federal aid, with its accompanying requirements, makes appointment a practical necessity in order to receive such aid locally.

4. Lengthening terms of office for elective officials and substituting indeterminate terms of office for places now filled by appointment instead of election.

5. Non-partizan elections for local government officials.

6. Increasing state supervision and state standardization of administrative functions and techniques, notably in matters of public finance.

7. Taking over certain functions formerly administered locally in the name of the State by state government authorities for direct centralized administration, often including the substitution of appointive officials placed in office under a merit or civil service plan of putting eligibles up for appointment. This is perhaps most clearly seen in the growth of state highway systems, and state institutions for the care of mental defec-

tives, or in the care and/or rehabilitation of other classes of dependent persons.

Should Rural Areas have a Governmental Unit below the County? The real need for a unit of government below the county in rural areas has been frequently called into question and is a much debated issue at present. Many authorities of the day (probably a considerable majority) favor the abolition of the township and the transfer of its powers and functions to the county, at least so far as open-country areas are concerned. This side of the case is ably presented by James and Porter.[1] The chief argument seems to be that the township, now so almost universally lacking in vitality and at best having very limited powers, might just as well be eliminated. For sparsely settled regions where large farm units prevail, this suggestion appears to have much in its favor. In terms of pure business efficiency, such a change would be advantageous in many areas. There is, however, another side to the question, and one which receives considerable support. If more than 25 per cent to 40 per cent of the inhabitants of a given county are resident in urban places, especially in large cities whose major interests are turned chiefly to commerce and manufacture, county government will gradually cease to be a local government which represents the farmers' interests. Rural people will be deprived of any

[1] Herman G. James, "Local Government in the United States." New York, D. Appleton and Company, 1921. Pages 282–284.

Kirk H. Porter, "County and Township Government in the United States." New York, The Macmillan Company, 1922. Pages 317–318.

governmental machinery in these cases, while urban people will have their own city government and whatever help the urban-dominated county government can give them in addition. It is not so much a question as to how well the basic needs of rural areas will be met in these cases in terms of governmental institutions and services. Such things could be provided amply by a benevolent autocracy—but who wants such an arrangement in this country? Those who argue in favor of concentrating local rural governmental functions in the county all concede the value and need of incorporation for towns and cities, but they are overlooking the desirability of maintaining a real "farmers' municipality" as a necessary counterpart in our American scheme of local self-government. The value of some self-determination in local matters, coupled with state-prescribed minima and constructive state supervision, is just as fundamental to farm people as it is to city dwellers. Anything which would seriously reduce this field of activity for a large group of citizens would sooner or later redound unfavorably to larger governmental units which seek to determine the will of the citizens in solving their problems.

Thus a second group of people hold that some unit of local government, probably smaller than the county in most States, is as necessary for rural areas as it is for urban localities. The general recommendations of this group call for the consolidation of smaller counties into more economic units for the purposes for which they are to function, especially in the administration of state matters; a heavy decrease in the number of elective officials; and the assignment to the county, as its major

task, of the administration of state policies and state laws. Its functions for purely local government would be curtailed somewhat rather than enlarged. Functions of local self-government would then be exercised primarily by two general types of smaller units, with such subclasses as may be necessary. One type would be incorporated urban places and the other would be either a completely reorganized and rehabilitated township, or an altogether new rural unit with abandonment of the existing township as a political area. Professor Fairlie, one of the members of this latter group, puts the matter as follows:

> . . . there is need in most states (and especially in the Southern and North Central states) for revising the county areas, and consolidating the smaller counties, so as to form counties suitable in area and social interests to meet the conditions of the present time.
>
> For such a revision of county boundaries, the main emphasis should be laid on economic and social factors, so as to recognize and encourage the development of communities with a common social life. This will be affected by geographic elements, such as hills and rivers; and by transportation lines, and trade centers; but attention should also be given to historical connections. No hard and fast limits as to area, and still less as to population, can be named; but for the most part larger areas than the present will be most suitable; and it may be suggested that, except for distinctly urban communities, an area of 900 to 1,000 square miles may be taken as the standard. Counties of this size will usually contain a city of at least 5,000 population. . . .
>
> It has been suggested that, except for villages and cities,

all functions of local government might be consolidated in the county, with provision for special assessment (and perhaps other) districts for administrative purposes, but without a distinct local autonomy. But the universal prevalence of rural units smaller than even small counties, reflects a widespread need, and the problem is rather to choose between an unorganized series of overlapping special districts and a system of consolidated local communities. The New England town represents the latter ideal; but it has not proven successful as applied to the artificial township areas of the Middle West, and the attempt made, following the Civil War, to establish a general system of this kind in some of the Southern states, failed completely.

Nevertheless, the opinions of most systematic students of government and of those actively interested in the country life movement (including those in the Southern states) agree in believing that consolidated community government is to be preferred to overlapping and legally disconnected special districts. At least it seems clear that such legislation like that of North Carolina, providing for the voluntary formation and incorporation of rural communities with a considerable scope of local powers, is to be encouraged. Such communities, including villages as trade and social centers, and dealing with a number of local problems, may be expected to develop an active political consciousness, which is impossible in such artificial areas as the congressional township or in special districts dealing with single subjects. . . .

For rural districts smaller than counties, the most important need is the consolidation of overlapping districts into community areas, in which various functions may be combined in one group of public authorities. Here, too, there will be need, in most cases, for a small local council and a chief executive, but in small rural communities the executive should be a local leader rather than a professional expert manager. If

the number of such districts in a county does not exceed the number of members in the county council, the latter may well be composed of the chief officials of the community districts, as in the county boards under the supervisor plan of township-county government. The open town meeting of voters may well be continued wherever it is active and effective, and may be authorized to be established where local conditions warrant; but should not be established or continued where its usefulness is not recognized.[1]

It is in line with the ideas of this group that specific suggestions for reorganization of local government will be made in the remaining chapters of this volume.

[1] John A. Fairlie, "The Reorganization of Counties and Townships." Reprint No. 1773 from the Annals, American Academy of Political and Social Science, Philadelphia, Pennsylvania, May, 1924. Pages 4–7.

CHAPTER XIV

EXISTING RURAL-MUNICIPALITY LEGISLATION

LEGISLATION that allows self-determined rural areas to incorporate for general purposes of local government exists, at present, in only one State—North Carolina. But there are several instances of special legislation in other States that either permit such incorporation on the part of one or a few specified areas, or extend additional municipal powers to a few existing local units. Finally, we shall look briefly at the rural-municipality legislation of one Canadian Province in which something has been done in this direction.

North Carolina. The North Carolina Rural Community Incorporation Law is a most interesting piece of legislation.[1] The general scheme contemplated by this act is that rural areas (including hamlets, villages, or towns whose population is under 5,000) ordinarily composed of one or more school districts may incorporate as rural communities. These new municipalities are given rather broad powers for local self-government. The plan in-

[1] For a copy of this law, see North Carolina Public Laws, 1919, entitled "An Act to Repeal Chapter 128 of the Public Laws of 1917, and to Provide for the Incorporation of Rural Communities."

cludes some decidedly novel features, seeking to standardize grades of agricultural products, and to promote coöperative marketing on a community or intercommunity basis. The chief governing body is a primary assembly of all qualified voters gathered together in an annual meeting. This body enacts legislation within the extent of its powers, makes the tax levy for municipal purposes, and elects the prescribed officials. The board of directors, three in number, of whom one is designated chairman, all elected annually, performs the executive and administrative work for the community. It carries out the wishes of voters as expressed in their annual (or special) meetings. A bureau of community service, originally under the joint control of the State Departments of Education, Agriculture, and Health, the State College of Agriculture and Engineering, the State College for Women, and the State Normal and Industrial College, but more recently reorganized as a division in the State Department of Education, is given general supervision over all rural communities incorporated under the provisions of this act. The bureau is required to develop blank forms for the uniform keeping of all prescribed records and accounts. It requires annual reports from all incorporated communities, and is supposed to propagate the idea of community incorporation throughout the State. Its services are rendered free of charge to incorporated communities, the cost being absorbed by the State Department of Education. It may, however, exact fines from members of local boards of directors of incorporated communities if they fail to

make their reports at the time and in the manner designated by the bureau.

The chief difference between this new unit and town or village incorporation is that, in the case of the rural community, it still retains its identity in state or county road and school systems, and still receives its share of state or county grants-in-aid distributed to rural areas just as though it had not incorporated in this way. The maximum additional tax levy, which the annual meeting may vote for all purposes except that already allowed for school purposes, is five mills. This is a rather inadequate maximum considering the extent of powers possessed by the rural community and its opportunities for rendering valuable services to its citizenship under the provisions of this law.

Up to 1926 something like a dozen rural communities in the State had incorporated under this law. Most of them are using it merely as a means of obtaining additional revenues for the support of their public schools and have not used the other powers granted to them in any large way. This seems to be due to two difficulties: the law needs greater publicity through all available channels so that the advantages of community incorporation will be more generally understood; and community consciousness does not seem to exist in large sections of the State, or where it does exist it is still a rather feeble force. The legal status of this new incorporated unit has not been established thoroughly by court decisions, so that its position is not yet as well defined as one would wish.

Some taxation problems will doubtless arise when an

incorporated area is formed which includes both a village center and its surrounding rural territory. To the present time, only open-country areas have taken advantage of the opportunities.

Areas Incorporated by Special Legislative Enactment. Here and there we find an occasional rural area which has been incorporated by a special law, thereby empowering it to do more than existing units of rural government can do at present in the same State. The best-known instance of this kind is that of Plainsboro township, New Jersey, incorporated in 1919. The incorporation was granted after a petition carrying the signatures of every voter in the area in support of the plan was presented to the legislature. Following the granting of their petition for incorporation, the voters met in a body, drew up a declaration of purposes, and adopted a constitution providing for a wider extent of local powers of self-determination especially for community development. A copy of this "Declaration of Purposes" and the Plainsboro Constitution are included in the Appendix.[1]

Another type of area with somewhat similar purposes but organized out of an entirely different background of conditions is found in California. There a state land settlement board has purchased several large tracts of land, which were previously practically unused, under condemnation procedure. These areas have been laid off into farm units of proper economic size for the type of farming projected, together with a number of smaller

[1] Page 316.

lots upon which farm laborers and their families might live. The necessary farm buildings, fences, roads, schools, and even community buildings for recreational and civic purposes were built in advance of colonization. The farms and the laborers' homes were then sold to carefully selected people who are to live on and work the land. Terms of purchase are favorable, including a small down payment, the balance to be retired over a long period of years under the amortization plan. The area laid out as a single settlement constitutes a special taxation district, but with such a wide variety of powers that it approximates an incorporated community in its opportunities for local self-government.[1] Such areas, however, cannot be organized except under the above conditions, hence the law creating this type of special municipality cannot be considered as general in its application to the rural areas of that State.

Granting Powers of a "Community" Nature to Existing Units of Local Government. This method of increasing the scope of local self-government activities was covered in some detail in our discussion of tendencies in rural-development legislation.[2] School districts, townships, towns, or counties may be permitted to establish such modern facilities as rural library systems, playgrounds, community buildings, parks, entertainments, in addition to the performance of what are usually considered the more elemental functions of local self-government. In a few States, principally in the

[1] Elwood Mead, "Helping Men to Own Farms," New York, The Macmillan Company, 1920.

[2] Chapter VII.

North and East, these powers are sufficiently expanded to give most of the advantages that are deemed desirable in present-day rural government. However, much of our criticism concerning the lack of suitability of many of these areas to serve as units of local self-government in any capacity is still pertinent to these new fields of activity. With the exception of some New England towns and consolidated school districts in other States, these newer grants of power do not provide for town-country coöperation in any effective way.

Legislation Allowing Special Districts to Extend Across Country, Township, and Town Boundaries. This tendency is most clearly seen in the case of school districts so far as rural-development legislation is concerned. More than twenty States now have provisions that allow at least consolidated school districts to cross other political boundaries, except state lines. If such a tendency continues, and as a result strong consolidated school districts are developed, it may be a wise policy to allow these districts to incorporate for general governmental functions as well.[1] As a step in advance, this cutting across of traditional boundary lines is a hopeful sign. It is still complicated, because usually when one of these special districts lies in two or more counties, townships, or towns, assessments and tax levies are made by, and collected in, each of the latter areas concerned, and occasionally the facility administered by this new special

[1] This, together with other tendencies looking toward communityizing rural government, is well discussed by H. Paul Douglass in "Recent Legislation Facilitating Rural Community Organization." Proceedings, Third National Country Life Conference. Chicago, 1920. Pages 117–132.

district is subject to the supervision of two or more sets of officials from the local government areas in which this district is located.

THE SASKATCHEWAN INCORPORATED RURAL MUNICIPALITY. The Province of Saskatchewan, Canada, has a Rural Municipality Law that contains several unusual features. The unit area of a rural municipality is eighteen miles each way, containing three hundred and twenty-four square miles in all, or as near this area as possible. Within the typical rural municipality are six districts, each not less than six by nine miles in extent. The rural municipality is one fourth to one half as large as the average county in the United States, and is considerably larger than the average township or town. When one recalls that this is a wheat-growing section where agriculture is conducted on a very extensive scale, and the average farm has close to a thousand acres, the prescribed area does not seem large. The immediate objection which one notes here is the rather arbitrary character of the boundaries, but with huge farms laid out on a rectangular pattern, the objection may be more theoretical than real.

The Saskatchewan rural municipality is governed by a council consisting of a reeve elected at large and one councilman from each district. These constitute the elective officials for the area. The reeve is the chief executive of the municipality and chairman of the council. He has power to suspend any appointee, after which the council must immediately try the case. The reeve receives a salary of $5 a day up to a maximum of twenty-five days in any one year. Councilors receive $4 a day on the

same terms. The council holds an annual meeting in January and such other meetings as it may deem necessary. The reeve may call special meetings of the council if he feels they are demanded. The council appoints all other officials for the area. These appointees remain in office at the pleasure of the council, there being no definite terms of office for them. The following are the most commonly appointed subordinates:

Secretary, Treasurer } may be same person } may be same person
Assessor

Auditor (may be an auditing firm approved by the minister of municipal affairs of the Province.)

Constables

The municipal Council has rather extensive powers and duties in addition to the foregoing. The list, somewhat abbreviated from the law itself, is as follows:

1. To purchase land for municipal purposes.
2. To erect office buildings for municipal headquarters either in coöperation with or separate from incorporated towns or villages.
3. To purchase and manage recreation, park, burial, nuisance, road, or other lands for public purposes.

4. To build a public hospital.

5. To provide public scales.

6. To build drainage systems.

7. To build waterworks.

8. To operate ferries.

9. To establish and maintain a municipal library and a rest-room.

10. To care for any aged, sick, and dependent persons in the municipality.

11. To levy taxes to meet necessary expenses.

12. To enact by-laws concerning any and all of the following subjects:

a. To maintain health and proper sanitation.

b. To hire a municipal doctor (to serve all residents free of charge, except reasonable mileage for transportation to and from farms).

c. To control cemeteries.

d. To care for and protect trees.

e. To prevent and control forest fires.

f. To prevent cruelty to animals.

g. To control dogs.

h. To license peddlers and hawkers.

i. To provide wolf bounties.

j. To control highway traffic.

k. To aid agricultural fairs and exhibits.

l. To exterminate animal, plant, and insect pests of any kind.

m. To provide for a municipal census.

n. To regulate pool halls, dance halls, and all other places of commercial amusement.

o. To provide fire protection for homes and buildings.

The council levies a tax for municipal purposes with a maximum of ten mills on the dollar of all property, both real and personal. Assessments are required to be on the basis of 100 per cent of present market values. Where the municipality has a consolidated school district whose boundaries are conterminous with its own boundaries instead of containing a number of smaller individual school districts, the rural municipality may add the school tax to the above maximum. The council, subject always to ratification of the voters, may issue bonds up to a prescribed maximum of so much per acre of all land within the municipality. This amount depends upon whether the municipality and a consolidated school district are identical or the school system operates on different unit areas from the municipality. All bonds are registered with the minister of municipal affairs of the Province.

The minister of municipal affairs has close supervisory control over all rural municipalities. All accounts must be audited annually by an individual appointee of the local municipal council or by an auditing firm approved by the minister. Copies of this audit and other statistical data and other information must be filed with the minister each year.

This system represents some definite advances over local government as now found in the United States. It has high concentration of authority residing in a few popularly elected officials (each voter casts his ballot for but two, the reeve and one councilman from his district), all others being appointed under indeterminate terms of

office. The municipality has a fairly generous grant of powers for local self-government. Its financial system is well standardized and subject to expert supervision by provincial authorities. For general purposes, it has a fairly generous tax-rate, especially when the requirement of 100 per cent assessments has been honestly carried out. Functions that are not primarily of locally determined origin are handled directly by provincial authorities through appointed subordinates instead of through the use of locally elected officials, as is customary in this country.

The Saskatchewan system may be criticized from several points of view. The author has not made a sociological study of the province, but the system of establishing municipal boundaries appears to be almost as artificial as anything to be found in the United States, at least so far as minimum size is concerned. It is to be suspected that the municipal council might better appoint the reeve and thus make that official also directly responsible to the council instead of to the voters, as is now the case. Finally, in practice, the bond-issue limitations seem to be rather low and to this extent would prevent any ambitious program of municipal improvement. However, its good points greatly exceed its faults, and further study of this system in practice might prove beneficial to students who wish to devise reorganizations for local government in the United States.[1]

[1] For further information on Canadian rural municipalities, see back numbers of the Western Municipal News, formerly published at Winnipeg, Manitoba.

CHAPTER XV

RURAL COMMUNITIES AS POSSIBLE UNIT AREAS FOR LOCAL GOVERNMENT

THE RURAL COMMUNITY DEFINED. The word "community" has been used in so many different connections that its use is decidedly hazardous in any discussion unless it is defined. Even as the term has been applied to locality groups in rural areas, its usage is far from standardized. The most suitable definition which the author has yet found is that previously quoted from Sanderson—namely, "A rural community consists of a group of people in a local area tributary to the center of their common interests." [1]

A rural community is a locality group whose boundaries, while tending to change from time to time, can be determined with a fair degree of accuracy. In most cases these boundary lines represent a composite of a considerable number of special interest groups, either personal or (in some cases) impersonal in nature. Such locating of community boundaries has been tried experimentally in a sufficiently large number of cases to prove its practicability. Two maps already presented illustrate

[1] Dwight Sanderson, "Locating the Rural Community." Ithaca, New York, Cornell Reading Course for the Farm, Lesson 158, page 417.

typical cases of this kind.[1] The amount of territory and population encompassed by rural communities thus defined in different parts of the United States is affected by such factors as the frequency of village centers, the average size of farm units, road conditions, topography, and competition with surrrounding service centers.

Hummel lists fourteen factors which determine the size and location of boundaries of rural communities. In order of their importance, these are:[2]

1. Trade area
2. Social area
3. Distance from other centers
4. High school
5. Roads
6. Shipping points
7. Topography
8. Telephone exchange
9. Church affiliations
10. Lodge memberships
11. Mail delivery
12. Present political boundaries
13. Prejudices or disputes
14. Race or nationality

Of course, these are not mutually exclusive. Topography, for example, may have a definite influence upon the location of roads and railroads, thus in turn affecting the location of shipping points and trade centers. It is interesting to note how far down the line political boundaries are placed as a factor in the determination of community boundaries in Missouri.

[1] Pages 170 and 171.

[2] B. L. Hummel, "Community Organization in Missouri." Columbia, Missouri. Missouri Agricultural Experiment Station, Circular No. 183, page 7.

The most widely used method of determining community boundaries seems to be that of first mapping the various services or zones of influence in a rural area, as these radiate from a given trade center. From a composite of the zones, a boundary line is drawn representing approximately the community area. This is corrected finally by consultation with local leaders and with farm families living close to the periphery. Areas rather removed from trade centers, either by distance or difficult conditions of travel, may not be included within the bounds of any rural community until conditions in such localities are changed so that the people achieve a better focusing of their common interests. Or, for purposes of voluntary rural organization, these in-between areas may be apportioned among surrounding communities after consultation with those who live in such areas.

A rural community ordinarily has some focal point at which the common interests of its inhabitants center. There are some instances, however, where rural communities may have two or more centers, each more or less complete with regard to services rendered to the surrounding country-side. In a majority of cases the focal point is a farmers' market town or village. Just how large the population of this nucleus may be and still maintain true community relationships with the area about it is a subject not amenable to any rigid generalizations. It seems to depend largely upon local circumstances, and will have to be determined individually after a thorough analysis of the situation. The focal point need not be located at the exact geographic center of the community area, for conditions determining its

outer boundaries may have created "bulges" in some directions and "dents" in others. There may be some economy of time and effort for the area as a whole if the most frequently used services and interests are well concentrated at a single point and not scattered among several more or less remote places. This is an important item to consider in the location of consolidated school plants or other socio-economic service agencies whether they are operated by the government, by private initiative, or by coöperative endeavor.

A rural community has some self-recognized feeling of unity and of mutual responsibility among the bulk of its residents if it is a true community. It is something more than a mere "slice of the landscape." Sanderson describes this characteristic as follows:

> Although attention has been directed to the area of the community, the community consists not of land or houses but of the people of this area. Its boundary merely gives a community identity, as does the roll of a company or the charter of a city. The community consists of the people within a local area; the land they occupy is but the physical basis of the community. The nature of the community will depend very largely upon whether its people live close together or at a distance. . . .
>
> Nor is the community a mere aggregation or association of the people of a given area. It is rather a corporate state of mind of those living in a local area, giving rise to their collective behavior. There cannot be a true community unless the people think and act together.[1]

[1] Dwight Sanderson, "The Farmer and His Community." New York, Harcourt, Brace and Company, 1922. Pages 8–9.

The members of a rural community may have many and varied contacts with each other. Not all of the inhabitants of necessity belong to the same church, lodge, or society; nor do they all have to trade at the same store, or borrow or deposit at the same bank. But in their various interests there is a sufficient intermingling of personalities and socialization of individual egos into broader group responsibilities to generate a real sense of oneness among the community's people. Hawthorn has shown that the largest number of most effective contacts per resident seem to take place in a "medium-sized" community, and that for both smaller and larger communities the number per person declines and the quality is poorer. He suggests that when the village center exceeds 1,000 to 1,200 people, rural and village groups tend to establish fewer contacts with each other, and incline toward distinct groups sometimes with noticeable antagonisms between them.[1] A study like his should be made in other States to determine the optimum contact relationships under conditions different from those in Iowa. Surveys of this kind are helpful in finding the proper bases for well-planned rural organization. Likewise, the quality of social contacts in a rural community goes a long way toward making it an effective and functioning entity or preventing it from achieving anything worth while for the inhabitants through united effort.

Advantages and Disadvantages of Rural Communities as Units of Local Government. Doubtless the

[1] H. B. Hawthorn, "The Sociology of Rural Life." New York, The Century Co., 1926. Chapters XVII and XVIII.

reader has surmised before this that one major purpose in these chapters is the recommendation of some plan for incorporation of self-determined rural areas into municipalities for purposes of local self-government. Does the rural-community concept meet the requirements as a workable unit for such incorporation? Let us look into the merits of the case somewhat further.

1. The rural community most nearly fulfils the democratic ideal of local self-government by groups whose other interests tend to promote a feeling of oneness within the area. A rural community that really functions in social, economic, educational, and religious matters has an entity and an interested constituency which make for solidarity and local loyalty. Give such a group some political significance through the process of local incorporation, and a better foundation for responsible and responsive self-government has been laid. This eliminates some difficulties now inherent in the use of such unnatural and socially disorganized areas as the typical township, and introduces a personal touch which many larger county units (also sometimes far from being socially united) are apparently unable to provide.

2. A rural community is usually large enough to provide a "sufficient volume of business" for many purely local governmental activities. In this connection it is to be preferred to the exceedingly small villages which so often incorporate for municipal purposes. Ordinarily a rural community has enough people to support a good consolidated school, both from the stand-

point of taxable wealth and number of children required. In many cases it would be big enough to maintain at least a junior if not a complete high school in addition. This unit gives a larger working basis for providing a number of needed governmental services, yet it is sufficiently compact to retain some measure of personal relationships between a considerable proportion of its citizens. It is a much more flexible unit, varying with natural, social, economic, and any other factors that influence the size and composition of social groups.

3. Where individual rural communities are not large enough to provide a suitable unit area for more efficient local government, groups of contiguous communities may be given the privilege of combining for purposes of local government into a single consolidated municipality. Again, this arrangement would come nearer to including suitable groups of people within single units of local self-government than do most present methods of determining such units for open-country areas.

4. This plan will tend to keep town and country in more harmonious relationships with each other. The political barrier of village incorporation has unquestionably served to create hard feeling between farmers and villagers in many instances. Under the rural municipality incorporation plan both the benefits and burdens of local government can be more equitably distributed in such consolidated areas.

5. At least some special taxation districts can be eliminated and the accompanying complexity correspondingly reduced. This is notably true in the field of

rural-development legislation where many of the facilities to be provided necessitate the setting up of taxation districts which approximate the consolidated rural communities we are now describing.

6. By increasing the home-rule powers of incorporated rural areas because of the more satisfactory unit areas set up, the county can be left free to concentrate upon and become more proficient in its major field of governmental activity—namely, the administering of state laws and state-determined policies. Such territory within a particular county as has not yet been included within the bounds of an incorporated rural municipality could be handled, much as at present, directly by county government. This would obtain for these unorganized areas until the urge to form new rural municipalities or to annex themselves to adjoining ones becomes sufficiently strong to secure action. In such a governmental reorganization the mid-west townships would be abolished gradually as former township areas became included within the boundaries of rural municipalities. The number of elective officials in the county could be materially reduced, and in the township could be eliminated altogether, in this transition.

There are some possible disadvantages in some such plan of rural-municipality incorporation in the minds of many people. Let us look over this list briefly:

1. Rural communities, in fact, do not exist in vast sections of the United States at present. Where rural interests are not well organized or still exist solely upon

the basis of smaller rural neighborhoods; where town-country antagonism still runs high; where rugged topography and poor roads cause a large measure of isolation; or where racial, ethnic, religious, or cultural differences have created deep cleavages, this is unquestionably true. Until those social contacts and group alinements that characterize rural communities can be introduced (and this may remain an impossibility in some places for a long time to come), these areas will not be suited to the proposed form of government any more than a hamlet of fifty persons can incorporate under the fully developed city-manager plan of urban municipal government.

2. The proposed plan actually increases governmental complexity, since it introduces yet another unit to those we already have. This objection would hold true if other forms were to be left as they are. When fully operative, the plan of rural municipal incorporation would eliminate several special taxation districts and would eliminate townships where they now occur. During the transition period the objection might apply, but the condition feared is by no means inevitable or permanent.

3. The proposed plan makes taxation more difficult. True, it may involve certain radical departures from traditional methods and policies, and to that extent violates the tradition that "an old tax is a good tax." When fully understood, the needed tax reforms will not increase the existing complexity; in fact, it is probably more likely that the suggested reforms will ultimately simplify matters considerably. At least the plan will eliminate a number of overlapping tax-levying areas

and reduce the number of assessments against a single piece of property.

4. Community boundaries cannot be determined accurately. This objection would be sound if boundaries of incorporated rural municipalities were to remain fixed, once and for all, after they had been decided upon. The boundaries of incorporated urban places are not subject to such inflexibility, and in fact are determined in substantially the same way as would probably be followed in determining the boundaries for an incorporated rural municipality.

5. Rural municipal governments would continue the present inefficiencies of local rural governments. This objection might be sound if the new units should be treated as counties, townships, towns, and villages have been handled in the past, by an almost total lack of any helpful supervision from state governments. There is no necessity for this condition to continue with the setting up of a new plan for local rural government. In fact, with such a change in our present system of local rural government there is an excellent opportunity to add at the same time a plan of supervision which will avoid both the present evil of lack of adequate supervision and the other extreme of such autocratic supervision as really amounts to state domination over local self-government.

Are Locality Groups to Remain in America? With an ever-increasing rate of mobility among American people, both urban and rural, seemingly inevitable, the question may be raised as to whether geographic locality

groups having any very permanent and self-recognized common interests will persist or whether they will disappear altogether in the not far distant future. Pushed to its logical conclusion in governmental organization, an affirmative answer to this question would mean that politically all present geographic units of government below that of the Federal Government itself would become pure artificialities for purposes of convenient administration and lacking any real cohesiveness among their inhabitants. Without a doubt, we are moving in the direction of larger and correspondingly less personal groups in practically every human relationship except the family, which, for reasons entirely different in their power to produce changes, shows a reverse trend in regard to size.

In the field of political science there are abundant signs of a trend toward larger and larger groups. Regional government, as an intermediate form between State and Federal Government, to consist of groups of States whose interests are more distinctly bound together, has been seriously proposed and is demanding wide attention at the present time. Several cities, among them New York, Chicago, Pittsburgh, Cleveland, and Detroit, to mention a few cases, are looking with some favor upon a super-urban form of government whose functions will extend to many present suburban communities and satellite cities, all of which have definite common interests as parts of a great metropolitan region, but without entirely obliterating the local autonomy of these existing lesser municipalities.

What do these movements portend for local govern-

ment, especially local rural government? Probably at least three fundamental departures from traditional systems are indicated. First, units of local government (in contradistinction to areas set up for the administration of state or Federal policies in local areas) will have to be more flexible with regard to their geographic extent in order that these units may be expanded, contracted, or combined with greater ease, and at the same time amply protect the interests of the people concerned. Second, at least coördinate units of local government will be given greater authority to coöperate with each other in the providing and maintaining of some institutions and services for which any one unit (under modern conditions) is proving not large enough to operate efficiently. Third, local governmental machinery will be reorganized in such a way that responsibility for successful or unsuccessful administration can be fixed more easily by the average citizen in spite of increasingly impersonal contacts with his government. Incidentally, this last change also applies to Federal government, and both the second and third apply to state government, though in these latter instances the need for change is probably somewhat less acute than it is in the case of local government.

Finally, to return to the subject of the present chapter, it seems clear that some more flexible and self-determined rural unit, such as the farmers' trade center and its surrounding country-side, or fairly large contiguous open-country areas, when the existence of common problems and interests are well recognized by the local citizenship, would provide a distinctly better basis of local

self-government than now obtains in most of the rural parts of the United States. Greater mobility of the people, changing routes of transportation in farmers' selling and buying activities, and changing farmer behavior in satisfying educational, religious, recreational, and other desires, all point to some more nearly self-adjusting unit and away from many existing and seemingly unchangeable political subdivisions. Later, perhaps, consolidations of two or more such incorporated rural municipalities into still larger units for certain common purposes yet at the same time maintaining the smaller areas for other functions, may prove highly desirable. At the same time, everything possible should be done to retain a maximum opportunity for personal acquaintanceship with, and participation in, local rural governmental affairs. Certainly rural areas have a better opportunity to achieve this than do typical metropolitan places. Crystallizing these suggestions into a more definite scheme of reorganization comprises the subject-matter of the three remaining chapters.

CHAPTER XVI

THE NEW RURAL MUNICIPALITY

WE are now ready to take up in detail some specific plans for the reorganization of local rural government, including county, township, and other existing units. This chapter is devoted to a description of the smallest unit having any general powers of local self-government in this reorganization program; the two following focus attention upon the county and other political subdivisions.

In Part IV will be found a suggested rural municipality incorporation law. It is based upon the North Carolina law providing for the incorporation of rural communities, but contains several changes and amplifications. This proposed law was originally drafted by a seminar group at the University of Wisconsin to apply to that State. The author was chairman of the subcommittee that had the preparation of such a law as its special project. The results of this committee's work were submitted to the legislative reference bureau and to the attorney-general of that State for opinions as to the constitutional changes that would be required in order to authorize such a law for Wisconsin. The report from these officials on the manuscript as then submitted

was that with two constitutional amendments (one to provide for the gradual abolition of township government and the other to provide for the establishment of a new unit of local government to partially supersede the township) the plan would be a legislative possibility.

Since that time the original proposal has been reworked completely. As it now stands, the plan requires several additional constitutional amendments to legalize other innovations. Some details of the present plan would have to be modified to meet local conditions in any given State in which it was proposed for adoption. It is open to criticism from several points of view and doubtless fails to meet the need in some localities where a plan of rural municipal incorporation might be thought desirable. It is offered only as an approach to the solution of numerous perplexing problems found in existing local rural governments. Combined with the county reorganization plan suggested in the last chapters of this part of the book, it strives to maintain a middle-ground position between extreme centralization and decentralization of governmental functions and administration. The proposed rural municipality can be put into effect without as much reorganization of county government as is suggested in this volume, but for the most part it seems desirable to work upon both plans concurrently, since many of the problems depend upon changes in both types for their solution.

In this chapter, only the more general features of the new rural municipality will be presented. The technical details and legal aspects of the plan will be found in the text of the proposed law given in Part IV.

AREA. As to area, the new rural municipality will need to be a highly flexible unit. To make for successful local self-government, not standardized "blocks" of the earth's surface such as townships, but real groups of living human beings as nearly homogeneous in their common interests as is possible to obtain, should furnish the working basis. Some provision is needed to prevent the incorporation of localities that have too small a population or too limited taxable resources to insure a reasonable degree of operating efficiency. These minima will vary from State to State, and possibly also within the confines of a single State. Some incorporated rural municipalities, especially where large farms are the rule and where population is likely to be correspondingly low, may well transcend the boundaries of existing counties. In other parts of the United States, where opposite conditions obtain, rural municipalities may be comparatively small as to land area.

In view of the rapidly changing conditions of transportation and communication, it is necessary that rural municipalities be capable of expansion and in some cases of complete consolidation with other rural municipalities. At the same time, existing public debts and resources will have to be cared for in a way that is to the best interests of the local citizens, and, in the first instance, for the protection of investors in municipal securities.

On the other hand, to expect some localities which at present are still in a more or less pioneer condition, with little of the land in cultivation and but few residents scattered over very wide stretches of country, to maintain any satisfactory form of local self-government is

expecting the impossible. Rather similar conditions may also be found in some mountainous sections of the older long-settled States. In these cases, because of meager natural resources, it is impossible to raise sufficient funds locally to finance even minimum governmental services. Such localities as these certainly do not lend themselves well to any form of local self-government because of isolation and lack of social unity over sufficiently large areas to provide an adequate unit of local self-government. Some sections of this kind may remain thus for a long time to come. Until these areas are in unquestionable position to accept the responsibilities and opportunities that go with local self-government, they should apparently be retained for direct administration by the State, either through reorganized county government involving more complete state control or by some other means of effective administration. Such areas may also require large state subsidies if they are to have even the barest minimum of state-required facilities for public education and other services, considered necessary in modern times. This is not to say, however, that all local areas in need of some state aid to maintain adequate governmental institutions and services should be denied the privilege of self-government, for they have all other essentials save that of taxable wealth. They may be potentially capable of becoming self-supporting in their local governments after a few years of proper encouragement.

Form of Government. Recalling the basis of democratic political organization as expressed in an earlier chapter,[1] it seems logical that the rural municipality

[1] Chapter XII.

should have such a form of organization as will encourage a maximum amount of direct personal participation in its affairs by the largest number of citizens. In smaller rural municipalities, therefore, the primary assembly of all legal residents seems to afford the most opportunity of realizing this goal. Where these primary assemblies already exist (as in most New England towns, some townships, and several special taxation districts) they are usually well attended when any business of real importance is to come up for action. Too often in the past, limited powers of local self-government have reduced the interest in some of these meetings until they have degenerated into nothing more than local elections. Where the total population of the unit does not exceed 5,000, it is still possible, as a rule, to hold satisfactory meetings of this kind.

In more populous rural municipalities, where the primary assembly would prove unwieldy, two alternative plans are possible. One is to divide the municipality into a number of election precints of substantially equal population and have each precinct elect six to ten delegates to represent them in a limited assembly having the same powers as the former primary assembly but simply reduced in size. The other plan would be to have the small municipal board of directors (composed of three men in the recommended law) enlarged to from five to seven members popularly elected at large or by precincts to serve both as the legislative and policy-determining body and as the chief administrative authority for the area. In this latter alternative it might be well to

provide for a somewhat modified initiative and referendum plan of direct democracy as a means of encouraging more participation in municipal affairs by a larger number of its citizens.

Between annual meetings or special meetings of the body possessing legislative and policy-determining authority for the municipality, the small board of directors is needed to administer municipal affairs. In smaller rural municipalities the chairman of this board of directors would also serve as the chief executive. His work in this capacity would correspond rather closely to that of a mayor of a village, but with administrative control concentrated more directly in his own hands through power to appoint any needed subordinates. In larger rural municipalities provision should be made for the optional hiring of a municipal manager, whose duties would be a small-scale replica of those of a city manager, except that in the present instance he would do more work himself instead of directing it to be done by a corps of appointed assistants. The municipal manager himself should be appointed by and be responsible to the municipal board of directors, and he should have an indeterminate term of office.

Other Officials. In the rural municipality a minimum number of officials should be popularly elected. Most, if not all, of the administrative workers should be appointed by the municipal board of directors except the assistants to the municipal manager, who should be appointed by that official instead. The number of assistants and their salaries would be matters for the legislative authority of the municipality to determine as

these matters are presented to it by interested parties.

Powers of the Rural Municipality. Following the traditional practice with regard to local government in this country, the rural municipality's powers and opportunities for local self-determination ought to be carefully enumerated. But at the same time the list may be considerably expanded to include (if the local legislative authority so decided) many added facilities and services for rural development. The progressive rural municipality should have ample opportunity to improve the conditions of its people in every possible way, subject only to such supervision from state authorities as will insure efficiency and economy in the establishment and maintenance of these added facilities and services. For instance, plans for a municipal hospital should be subject to the approval of the state board of health or other suitable authority; those for new school buildings should be approved by the state board of education, and so on.

In matters of taxation for municipal purposes, the existing general property tax (preferably released by the State for sole use of counties and other minor political units) together with some local privilege taxes, licenses, and special fees for specific services rendered, should be the chief means of securing revenues for local budgets. Some upper limits ought to be set for the local tax-rates which may be levied and amount of bonds which may be issued by rural municipalities. It might also be well to provide that these limits may be exceeded by certain amounts if the citizens vote in favor of such added levies and/or bond issues by an unusual majority.

This might be a three-fourths majority of all persons voting on the proposition or a two-thirds majority of all legal residents of the municipality. These are matters which can be adjusted to suit the needs of specific States enacting rural municipality incorporation laws.

When a rural municipality incorporated under some such plan as this contains both a village or small town and open-country territory it is evident that certain municipal improvements cannot be justly charged against the general revenues of the municipality which were raised by means of a uniform tax-rate against property throughout the entire area. Illustrations of improvements of this kind are paved streets, sewers, waterworks, and refuse collection. There are others of similar nature. Under the present scheme of local government in many States a majority of improvements and services of this kind are provided in these areas by the organization of special taxation districts or special municipal corporations as they are sometimes called. That many of these districts are not over-efficient in their administrations, each with its own set of officials, systems of record keeping, and assessments, is a matter of common observation by those who have studied the situation. How to avoid the problems of this system and yet make it possible for particular areas within incorporated rural municipalities to obtain improvements of a highly localized character was one of the most difficult situations to meet in the present attempt at reorganization proposals.

The plan finally devised and presented in the following section is a result of combining some personal ob-

servations, some suggestions from others, and already well-established principles of taxation. Rural municipal incorporation could be provided without this sweeping change in taxation methods, but it is doubtful whether a number of its good points could be realized under the traditional taxation system. Of course, existing special taxation districts would have to continue as such until their remaining indebtednesses are retired. Some special taxation districts whose areas are determined not so much by human relationships as by natural forces such as topography, soils, or location of watercourses cannot be included in this new arrangement, but will have to continue to be set up about as at present though with more state supervision if that can be invoked. Drainage, levee, and very large irrigation projects are examples of this class of improvements. In smaller irrigation projects the entire area might prove an acceptable unit for an incorporated rural municipality, since it is tied together already by economic coöperation as to the providing and maintenance of its water supply, and is probably not too large to function satisfactorily as an area of local self-government for general purposes.

Zoned Taxation.[1] Zoned taxation, as provided for

[1] The original idea of zoned taxation as I have expanded upon it came from a suggestion made by Dr. C. J. Galpin during the deliberations of the aforementioned seminar group at the University of Wisconsin. Dr. Galpin has since given his conception in somewhat greater detail in "Rural Social Problems," New York, The Century Co., 1924, pages 222–227. The existing method of varying the ratio between assessed and market value of real property as reported in some New England towns, depending upon the location and utilization of the property, is in effect a means of zoning for the purposes of local taxation not so far different from what is suggested here.

in the suggested rural municipality incorporation law,[1] is based upon two already well-established principles of taxation and the limitation of property rights. The zoning of real property by its present or potential uses is a feature of all modern movements involving city-planning and building restrictions and codes. It is a means of scientifically directing the city's growth and at the same time affording a maximum of protection to property-owners who might otherwise suffer losses through changes in the use of their own or adjacent property in the ups and downs of urban development. All losses cannot be avoided under such city-planning attempts, but certainly many are greatly reduced in contrast to what might occur under unrestricted uses of property. More recently the same idea has been extended so that many smaller cities, towns in New England, scattered townships in the Middle West, and an occasional county here and there, have been enabled to develop somewhat similar services to property-owners.

The other principle is that of ability to pay as a means of spreading the tax burden among the people. The value of real property is largely determined by its present or anticipated income-producing power; though in some parts of the country where land speculation is rife market values may get badly out of line with capitalized earning capacity. This latter condition is not characteristic of most rural areas over any extended period

The author realizes that constitutional amendments are necessary in every State to permit this method of taxation. On the other hand, this new method seems to offer more promise to all concerned in equitably distributing the tax burden than do existing systems.

[1] Part IV.

of time. Assessed values are supposed to bear a more or less fixed ratio to market values, yet numerous variations could be found with a little search into local conditions. There might be some merit in using actual or estimated average rental values of real property over the past five years as a basis for assessing taxes instead of the present method of assessing on the basis of market values. Or, if it is felt that this might lead to additional price inflation especially for agricultural lands, some combination of these two assessment bases might be worked out to advantage. In the suggested plan under consideration it seems best to use a uniform ratio of assessed property values based upon their present market values plus a uniform tax-rate as the method for raising revenues through local taxation in an incorporated rural municipality, in so far as the general municipal budget is concerned.

For the providing of more highly localized improvements and services the real property of the rural municipality is grouped into a series of zones, depending upon the location of each parcel of real property in relation to the services and improvements to be provided. Authority to provide such services and to levy taxes to support them is secured from the property-owners of each zone concerned. The zone assignments of property are determined by a zoning commission appointed by the municipal board of directors, any property-owner having the right to appeal the zone assignment of any of his property affected by the zoning commission, if he desires to make such an appeal.

The general way in which this scheme of taxation by

zones instead of by more numerous special taxation districts works out in the proposed rural municipality incorporation plan is illustrated by an accompanying diagram. Of course, in practice the zone boundaries would never be a series of concentric circles. Furthermore, when a rural municipality contained more than one village or hamlet within its bounds, there might be a separate set of zones (above Zone 1) for each of these centers. Under this plan, Zone 1 is always the entire area of the rural municipality, and its tax is the one levied for general municipal purposes by the annual municipal meeting or by a delegated authority if one of the optional plans replacing the annual municipal meeting has been adopted by a particular municipality. Assuming that transportation of pupils is provided for by the school funds, if such transportation be necessary, school taxes would be uniform in rate for the entire rural municipality, hence the need of a Zone 1 tax when such a municipality is zoned.

Zone 2 always includes all but the farm lands proper. This zone may require some added municipal improvements and services whose benefits are not available to the farm property of the rural municipality—hence the latter is not expected to contribute to the support of these improvements and services. In some rural municipalities in which there are but small hamlets, only two zones may be required to serve the needs of the area. For others, one or two additional zones may be essential to meet local demands. Our diagram illustrates a four-zone proposition.

For villages and towns which might be included

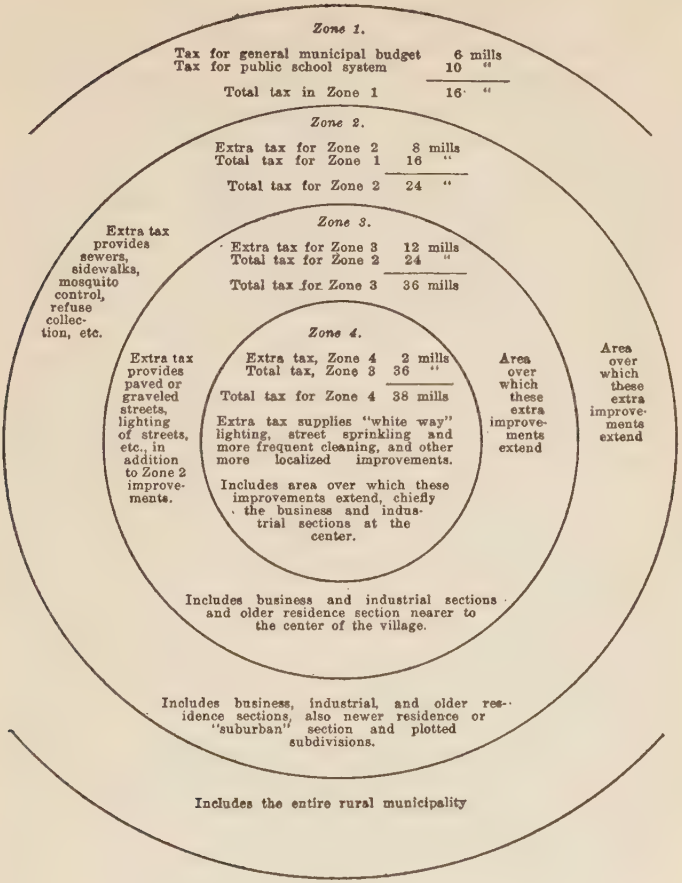
Zone 1.
Tax for general municipal budget 6 mills
Tax for public school system 10 "
Total tax in Zone 1 16 "
Zone 2.
Extra tax for Zone 2 8 mills
Total tax for Zone 1 16 "
Total tax for Zone 2 24 "
Zone 3.
Extra tax for Zone 3 12 mills
Total tax for Zone 2 24 "
Total tax for Zone 3 36 mills
Zone 4.
Extra tax, Zone 4 2 mills
Total tax, Zone 3 36 "
Total tax for Zone 4 38 mills
Extra tax supplies "white way" lighting, street sprinkling and more frequent cleaning, and other more localized improvements.
Includes area over which these improvements extend, chiefly the business and industrial sections at the center.
Extra tax provides sewers, sidewalks, mosquito control, refuse collection, etc.
Extra tax provides paved or graveled streets, lighting of streets, etc., in addition to Zone 2 improvements.
Area over which these extra improvements extend
Area over which these extra improvements extend
Includes business and industrial sections and older residence section nearer to the center of the village.
Includes business, industrial, and older residence sections, also newer residence or "suburban" section and plotted subdivisions.
Includes the entire rural municipality

CHART 11

Schematic diagram of zoned taxation in a rural municipality

within rural municipalities in this plan of reorganized local government, these zones may be made to function for practically all local improvements except possibly some unusually expensive street-paving projects. Even in the case of improved streets, with just general assessments against real property, the entire business and residential districts might be paved or the more important streets paved and the others graded, curbed, and graveled as a single project in the particular zone encompassing this area. By undertaking such a large project at one time, it is ordinarily possible to get a somewhat lower cost of construction by reason of the larger operations involved. Or, by using the "pay-as-you-go" policy, after providing for maintenance of streets and local rural roads as a Zone 1 tax item in the general municipal program for the entire area, the special road taxes voted in zones of higher number could be used for paving a certain portion of the streets in these zones each year. Farmers' all-weather market roads (in addition to those already included in state or county highway systems) could be gradually financed either out of local receipts apportioned to the municipality from the state gasoline and motor-vehicle taxes, or by increasing the Zone 1 road tax-rate to provide a larger sum of money to be spent on improving a system of local service roads radiating from the center (or centers) of the rural municipality.

Nearly every year, if not annually, the village center or centers of a thriving rural municipality will normally show some growth, and the convenience facilities provided by zones above Zone 1 will need to be extended

correspondingly. The zoning commission will have to do some reclassifying in such cases, placing certain parcels of real property in zones of higher number than their present assignments, or possibly in some instances placing some few parcels in zones of lower number.

This plan of local taxation for rural municipalities containing anything more than farms and a few crossroads stores is presented in the hope that it will stimulate further thought on the subject. If put into actual practice, it should make town-country consolidation easier of achievement. Certainly the increasing recognition by both farmers and townspeople of at least their economic interdependence should make them more receptive to some form of governmental reorganization which will unite their common interests and provide a more adequate basis for maintaining essential local institutions for both groups at the lowest possible cost.

The Public School System. The public school system of the incorporated rural municipality is not essentially different from that already established for consolidated school districts in many States. In fact, on more than one occasion a well-organized and efficiently managed consolidated school district has been advocated as the proper basis for an incorporated rural municipality.[1] Under the present plan for incorporation of rural areas, provided only that the necessary minima of population and taxable wealth exist within its bounds, a consolidated school district could incorporate without any change as to area, and be prepared to enjoy the benefits

[1] A. W. Hayes, "Rural Community Organization." Chicago, The University of Chicago Press, 1921. Chapters V to VIII inclusive.

of larger local self-determination. For the sake of concentration and simplicity, the municipal treasurer is made treasurer of the school system as well, and the standardized system of accounts and settlement of claims established for the general funds of the rural municipality are adapted to the school funds. The schools of the rural municipality are kept as a part of the county system instead of being made entirely independent of county supervision and help, as is sometimes done for schools in the larger villages and towns. This seems best for several reasons.

The schools of a rural municipality are still essentially rural in character and as such ought to remain a part of and derive any benefits from distributions of aid made by all other governmental units seeking to improve the rural educational system. Smaller rural municipalities would still need constructive help from the county superintendent of schools. The school system of a rural municipality is one of its most important activities. Much of the social and recreational life of the adults as well as of the younger generation will center there, especially if the municipality were to build a community building on or adjacent to the school grounds, as is often advocated. The whole community urge, which is being fostered through this form of governmental reorganization, is based upon an intelligent citizenship, so that in a very real sense the school is the heart of the rural municipality. Its opportunity for training leadership and encouraging civic activities which insure a larger future for the dynamic municipality is one of sacred trust and almost limitless possibilities.

State Supervision. Another important feature of any plan providing for the incorporation of rural areas for general purposes is the relationship of the State to this new unit of local government. In the present plan this relationship is fundamental to the success of the system. A new state supervisory agency called the bureau of municipal service, preferably attached to an already existing department of state government, is to be established for the purpose of supervising many phases of rural municipal government. This bureau should be authorized to prepare a standardized system of accounting and record keeping, the use of which shall be obligatory on the part of all rural municipalities. Moreover, an annual audit of the financial records of each rural municipality should be required to be made by an auditor or auditing firm approved by the bureau of municipal service, to which a copy of the annual audit should be transmitted immediately upon completion.

All proposed bond issues should be examined as to their legality and the uses to which the proceeds are to be put, and approval should be given by the above bureau before such bonds can be offered on the market. The bureau should be required to see that every rural municipality issuing any bonds makes adequate provision in its annual budget and tax levies to pay the interest on and retire the principal of the bonds within twenty-five years. These regulations would of course extend to bonds issued by specific zones within any rural municipality. Except for the accounting forms and other printed materials furnished by this bureau to rural mu-

nicipalities at not more than actual cost, its services should be rendered free of charge to these units of local government.

But in addition to its major functions as a supervisory agency, this bureau of municipal service is to partake of the nature of a propagandist body, to further the idea of rural municipal incorporation throughout the State. This it may do in several ways. It may issue press releases containing interesting stories of successful rural municipalities. It may publish an occasional bulletin of its own, including an annual directory of incorporated rural municipalities giving pertinent facts about each in an appealing way. It could probably help to promote the idea of incorporation through local school officials, county agricultural agents, chambers of commerce, and other influential channels. In special instances, members of its staff could address local gatherings at which the subject of municipal incorporation was under consideration.

Why is such publicity work necessary? No piece of permissive legislation such as this plan for incorporating rural areas as municipalities will be adopted widely until the people are led to it by means of carefully planned educational publicity. This is especially important in the present instance, since the new local democracy which the proposal establishes is dependent upon a real willingness of the people to "do" democracy to a considerably greater extent than has characterized their previous experiences with and participation in local self-government.

CHAPTER XVII

SOME PRESENT TENDENCIES IN COUNTY GOVERNMENT

IN the preceding chapter a plan for the incorporation of rural areas into municipalities was described. This new unit, the rural municipality, may contain either farm areas exclusively, town or village groups exclusively, a town or village and its surrounding rural territory, or several hamlets, villages, and the open-country areas lying between and around them. Towns or villages previously incorporated would have to reincorporate under the new plan in order to use its facilities and opportunities. Ultimately, much of the rural area of a State having a law of this kind ought to be included within the bounds of incorporated rural municipalities. The major exceptions would consist of urban places whose size and interests other than agricultural would prevent the working out of town-country coöperation as involved in this plan; and of areas in mountainous or semi-arid and arid regions where the population is too sparse to achieve much in the way of local self-government. It now remains our task to take up the reorganization of county government, both as this is indicated in recent visible trends and as recommended to fit in with the rural municipality plan.

Recent Changes in the Form of County Government. As Professor Porter well points out, the chief problem in reform of county government and the great stumbling-block in the way of improvements is the structural organization of that government.[1] All other attempts at improvements are largely dependent upon needed changes in form of organization. Until these can be effected, at least in part, there is comparatively little hope that other changes will be very helpful.

A sweeping change in the organization of county government was provided for by California in 1911, when by constitutional amendment that State allowed counties to draw up home-rule charters, which, after ratification by popular vote in each county proposing such a change and its acceptance by the state legislature (this body cannot modify but can only approve or reject such charters), become the basis for the reorganized county government. Certain county officials whose duties are mainly of a state administrative character must be retained by the home-rule charter plan. In contrast to the Maryland home-rule provisions for counties in which the specified officials are required to be elected by popular vote, in California they may be elected or appointed in such manner as the proposed charter for a given county may specify. The California plan at least has the merit of making possible a greater reduction in the number of elective officials in the county.

The North Carolina legislature of 1927 provided an optional county-manager charter which may be adopted

[1] Kirk H. Porter, "County and Township Government." New York, The Macmillan Company, 1922. Page 290.

by any county in the State either by action of its county board of commissioners or upon petition initiated by the citizens, followed by a special election to confirm or reject the proposed county-manager plan. This reorganization also provides for the appointment of a number of officials now popularly elected, but it could go much further in this direction if the maximum benefits of a really centralized authority in county government are to be secured.

At the request of Governor Byrd of Virginia, the New York bureau of municipal research recently made a rather comprehensive analysis of county government in Virginia and formulated numerous recommendations for changes in form, functioning, and supervisory control.[1] The recommended form of reorganized county government is indicated in Chart 12, this being reproduced, with some simplification, from the report of the bureau. An alternative form is likewise recommended. The second arrangement replaces the elective county administrator by a county manager appointed by the board of supervisors. In this case the county manager then fills the subordinate positions through appointments in the same way that is indicated for the county administrator in the accompanying chart. Two bills now pending in the legislature provide for the appointment of commonwealth's (prosecuting) attorneys directly by the governor, each appointee to serve an entire judicial circuit instead of having a corresponding official popularly

[1] "County Government in Virginia." Report on a Survey Made to the Governor and his Committee on Consolidation and Simplification, prepared by the New York Bureau of Municipal Research. Richmond, Virginia, Superintendent of Public Printing, 1928.

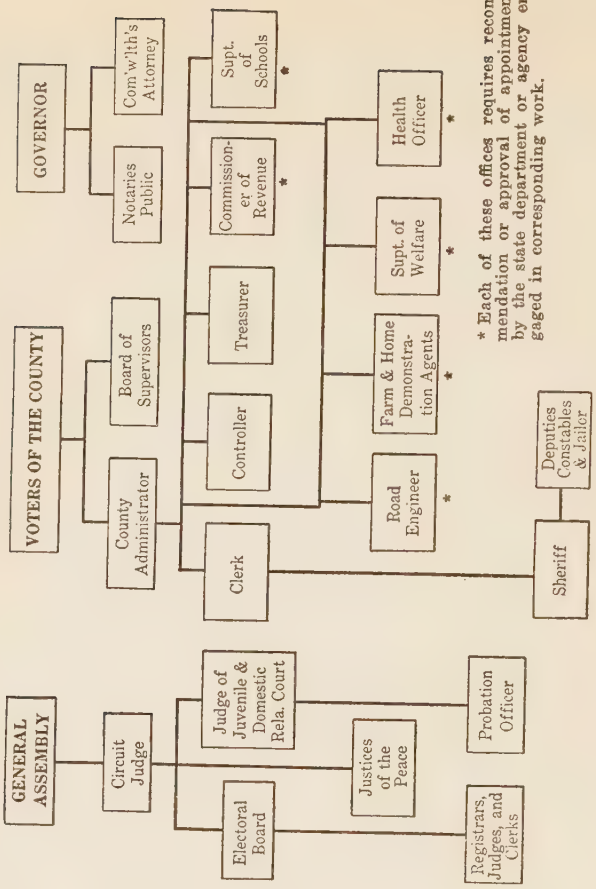

CHART 12

Proposed plan of organization for county government in Virginia. Elective administrator type. (From "County Government in Virginia." New York Bureau of Municipal Research, Richmond, 1928.)

elected in every county under the present system; and the abolition of the offices of coroner, constable, overseers of the poor, superintendents of the poor, jury commissioners, surveyors, examiners of records, inheritance-tax commissioners, school trustee electoral boards, and school boards, the duties of these positions to be transferred to a reduced number of appointive officials. Indications are that these changes will be enacted into law, though there is the usual popular clamor that this means the giving up of democracy and the handing over of control to political machines and bosses. A number of additional States are now considering basic reorganizations in their present systems of county government. It seems likely that the immediate future will mark a new era in the development of more satisfactory government for American counties.

The movement in accomplishing really basic improvements in this field is greatly hampered by two difficulties. Our state constitutions are increasingly explicit on matters of local governmental organization, with a result that changes are possible only through the cumbersome process of amendments and all that the power of tradition against frequent constitutional amendments imposes. Changes in city governmental organization are not so greatly hampered, the result being that in many ways municipal reorganization has moved forward much more rapidly than has been true of other local units more restricted by these constitutional stipulations. In the second place, county government to a much larger degree than city government is concerned with the administration of state functions and laws,

while in matters of local policy-determination and local functions just the reverse obtains. In providing for the reorganization of county government especially, the State has to be on the lookout continually that the performance of these administrative activities for the State by the county shall not be stopped or rendered at least partially ineffective because the people in a given county have adopted a charter under home-rule authority which fails to protect the State's interest in that government. The issue raised here is really one of whether a unit of local government, set up primarily to administer state functions and to enforce state laws, should in fact also be a unit with large powers of local self-government; or whether these two fields of governmental service should not be completely separated to better serve the widely different needs and functions represented. We shall return to this problem in the following chapter under the suggestions for reorganization of county government.

Changes in Functions and Powers. There are some signs that the county is losing power to the State with regard to certain functions, and that the State is increasingly setting up at least minimum standards which its subordinate areas must maintain through their local governments; but there is likewise a very considerable tendency to increase the variety of other lines of activity in which counties may engage if they so desire. The rather impressive list of rural-development powers accorded to counties outside of New England, most of which have been granted within the last twenty years, is evidence of this movement. The increasing popularity of the county as a unit for administering the rural

school system is another evidence of this trend. It is to be noted that most of these increasing powers come from the viewpoint that local government is a service agency for its constituency and that this type of work is fully as important as if not more so than the traditional activities of regulating human conduct and dispensing justice generally. In matters of road-building and in poor relief, the county is gaining some powers formerly held by townships or smaller special districts in some States, while at the same time state highway systems and more highly specialized institutions for the care of dependent persons are replacing county activity elsewhere.

Since these grants of additional power, especially those of a permissive variety, do not usually involve constitutional amendments, they are much more frequent than are the reorganizational changes which more commonly depend upon these amendments. But many of the newer grants of power are not likely to be widely used until the *form* of local government is changed so as to make possible the more effective operation of facilities for which power to provide has been granted.

City-County Relationships. Our framework of county government and the functions which it performs were developed for the most part under a rural régime. The growth of large cities has added a good deal of complexity to relationships between county and urban governments. The extreme in the direction of segregation into separate units is found in Virginia. Here all cities (defined as incorporated places of 5,000 or more people) are entitled to pull out from the counties in which they are located and become practically parallel units of

local government with counties in their relationship to the State. There are certainly some advantages in this plan, especially where the county is the smallest rural unit, but, as areas for the efficient administration of state laws, these independent cities, a good many of which are under ten thousand in population, are not large enough for real efficiency. For certain purposes, however, as in the circuit-court assignments, the smaller independent cities are still rather generally included in the same circuits as the counties out of which they were formed.

The second method of handling this problem of city-county relationships is by means of special legislative enactments whereby a few of the largest cities have been made independent counties, and some measure of coördination between city and county officials and functions is attempted. Examples of this method are found in the case of Philadelphia, Baltimore, St. Louis, Denver, and San Francisco. Here city limits and county boundaries are conterminous. In none of these, however, has there been a complete coördination of county and city functions and officials into one merged unit, as would appear most logical from the geographic and population oneness of these areas. This is probably due to constitutional provisions requiring certain county officials who cannot be eliminated or made appointive by statute laws, or their work well merged with that of city officials in this type of county, without additional constitutional changes.

In a third group of cases, typical examples of which may be found in Table 24, little or nothing has been done to coördinate city and county activities. These situ-

ations have reached their present proportions because of the rapid increase of city populations, together with an unwillingness on the part of state legislatures to remedy the difficulties. In all of these cases the city population constitutes a very high percentage of the total population, but the city's boundaries include only a small part of the land area of the county in which it is located. This is rather characteristic of cities containing more than 100,000 people, except where special provision has been made according to the two methods previously described. Under such conditions urban politics is sure to dominate county as well as city affairs.

TABLE 24. Ratios between populations and land areas of certain large cities and the counties in which they are located.*

CITY AND COUNTY	PROPORTION OF COUNTY INCLUDED WITHIN CITY LIMITS	
	Population	*Land area*
	Per cent	*Per cent*
Minneapolis, Hennepin	91.6	8.8
Indianapolis, Marion	90.3	11.1
Chicago, Cook	88.4	20.7
Detroit, Wayne	84.4	12.6
Cincinnati, Hamilton	81.3	17.4
Dallas, Dallas	75.5	2.7
Memphis, Shelby	72.7	2.9

* Computed from data in Volume I, U. S. Census for 1920.

The result is that the areas beyond the city limits do not get the measure of county self-government which was intended for them. Even though the same political party may be in control of both county and city government

in a case of this kind, there is likely to be a good deal of friction between county officials and city officials because of conflicts of interest and overlapping of functions. The problem of city-county relationships is one of growing complexity because of the rapid urbanization of many parts of the United States. As yet, comparatively little has been done to meet the situation in a really scientific way.

CHAPTER XVIII

SOME SUGGESTIONS FOR THE REORGANIZATION OF COUNTY GOVERNMENT

THE county was established in colonial times as a convenient district for the administration of colonial affairs and was not originally intended to be an area having any large powers of local self-government. Units smaller than the county, such as towns of New England, townships of the middle colonies, and parishes of the southern colonies, together with incorporated villages and cities which came somewhat later in the last two groups of colonies, were given practically all of the powers of local self-government accorded to any political groups subordinate to the colony itself. Both before and following the Revolutionary War a series of changes occurred which, among other things, resulted in a gradual extension of powers of local self-government to the county. Among these were the giving up of the parish unit altogether in the South and making the county the smallest area of local government outside of the few incorporated places; the making of county offices elective instead of appointive; and the general growth of democratic ideals and consequent demands for more self-determination in local matters by all subordinate political areas. Even county

officials whose duties were entirely matters of state administration were made elective under the pressure of this movement. The county gradually came into its own (at least in the minds of the people at that time) through the inclusion of provisions in state constitutions which practically guaranteed a permanent adherence to the county as an important unit of local self-government in all States outside of those in New England.

It is our purpose in this chapter to outline briefly the place and functions of county government in the revised scheme of local self-government which has as its basis various forms of flexible incorporated municipalities, both urban and rural, and to suggest certain reorganization steps which will help to bring about this result. In order to frame the county in its proper setting under this reorganization plan, it is necessary to revert once more to a discussion of incorporated places and how they relate to the proposed system.

Based upon their size, incorporated places fall roughly into four groups as now defined by state laws. The village or borough contains a population of a hundred or so up to possibly 2,500. The town (not the New England town, however) contains from 200 to 10,000 people; the smaller city from 2,000 up to 100,000; and the larger city from 5,000 upward. These classes overlap greatly, since the laws of various States differ in their stipulated population minima for incorporated places of each class. Furthermore, some incorporated places do not immediately reincorporate when their populations pass the minimum set by state laws for the

next larger classification. Some States provide for more than two classes of cities in addition to towns and villages, while others do not provide for the borough or village at all but use the town form for all municipalities that fall below their minimum population limit for cities.

To these four groups the present proposal apparently adds another class of incorporated places—namely, the rural municipality. This suggested unit, however, could be made to substitute satisfactorily for the existing village or borough form in States already having this essentially semi-rural type. Such a substitution would introduce more flexibility into the government of such places and to that extent would be a progressive change.

In this reorganization plan for local government, in which New England is not specifically dealt with, four types of municipal corporations having general powers of local self-government are recommended. The population limits mentioned here may be changed if thought desirable to fit the requirements of an individual State, without doing violence to the heart of the plan. Also, an optional charter system ought to be provided to allow different forms of municipal organization for towns or cities of any class. This classification of incorporated places is as follows:

1. Incorporated rural municipalities. (Minimum of 500 people and $500,000 in assessed property values.)
2. Towns. (Minimum of 2,000 people.)
3. Cities of the second class. (Minimum of 10,000 people.)

4. Cities of the first class. (Minimum of 100,000 people.)

All of these municipal corporations will have some state functions to perform, but this will be more especially true of the larger cities. On the other hand, all should have rather generous grants of authority to handle problems and determine policies of development which are chiefly local in nature. The form of government for the smallest of these, the rural municipality, has already been described in detail. For the others, by the use of optional charter provisions, the local people are enabled to accept a mayor-council, commission, or commission-manager form of local government, according to their wish in the light of local needs. These forms of municipal government are discussed at length in standard texts on this subject, and it is not necessary to deal with them further in this volume.

What is the Place of the County? There seems to be rather general agreement among the students of government that the county or county multiples should be the administrative units for state-determined policies. Their chief functions in this connection are the administration of justice, the enforcement of state laws, the collection of state taxes, the probating of wills, the recording of legal documents of all kinds, the conduct of general elections, the supervision of state grants-in-aid distributed by counties (sometimes for redistribution by smaller districts), and the administration of other state policies which lend themselves to such a unit plan of organization. In the second place, the county is now

a unit of local government, which (outside of New England) has considerable powers of local self-determination. The demand for home rule on the part of cities is being countered more and more by like demands for greater freedom of action on the part of counties as well. Professor James points out some fundamental differences between cities and counties which are often overlooked or at least much underrated by the enthusiasts for county home rule. He says:

It would seem, therefore, that under present conditions and especially in view of manifest tendencies, the plea for home rule for counties would stand, in a number of states at least, on the same ground as the home-rule plea for cities. Two factors must not be overlooked, however, which differentiate counties from cities in this regard. In the first place counties are still chiefly occupied with matters of state concern, particularly in police, elections, judicial, and finance administration. Therefore both the form of organization and the powers of the officers are of more moment to the state than is the case in the cities. In the second place, it must be remembered that the typical American county is an area of large extent and small population. Cities are characterized by congestion of population and city problems are similar in kind, though differing in degree, in the largest and the smallest cities. Consequently we find the home-rule charter privilege extended in a number of states to all cities, whatever their size, or at least to all communities which are large enough to manifest urban conditions. Even a city of ten thousand inhabitants may be said to have its own peculiar problems which can best be solved by local initiative. But a county of ten thousand inhabitants spread over an area of five hundred square miles, and there are hundreds of such counties scat-

tered throughout the United States, represents quite a different governmental problem. Local needs are relatively less pressing and relatively much more expensive to satisfy. Consequently state interests overshadow local interests and local autonomy is less important than central aid and supervision. Therefore the grant of home-rule charter privileges might well be made dependent in the case of counties upon the attainment of a certain minimum population, a minimum density of population, and a minimum assessed valuation.

It may indeed be questioned whether the optional charter plan is not preferable in the case of counties to the complete home-rule charter plan.[1]

It seems fairly clear that where the people are included in other municipal corporations having wide powers of action in local matters, for the most part only a rather unsatisfactory duplication of effort would result from granting home-rule charters to counties or even allowing large powers of policy determination through general acts of the state legislature. There may be a few things of general importance to the entire area on which the county may be allowed to act, but under the plan of incorporating both rural and urban territory into municipalities of various classes, the number and variety of such things would be small.

The question may be justly raised: "Suppose you have a county within which but little of the farm area has been incorporated into rural municipalities, should not such a county have the power to provide for the needs of these areas by home-rule authority, especially

[1] Herman G. James, "Local Government in the United States." New York, D. Appleton and Company, 1921. Pages 431–432.

in States where townships do not exist?'' The answer here is ''no,'' for the reason that where rural sections are so feebly socialized that it is impossible to induce them to form incorporated rural municipalities, the chances are overwhelmingly on the side of a correspondingly feeble county organization which would fail to meet this fundamental prerequisite of successful local self-government. Home rule for such counties would not insure better things to any large degree, for the rural people would not be sufficiently experienced in working together to carry on successfully any effective local democracy.

Possibly one fourth to one half of all counties in the United States now have little or no effective local government, either because political units below the county in size are unable to function properly in the rural areas, or because the county itself is not an area whose inhabitants are united by social and economic ties. This is a conservative statement of the case. On the other hand, the remedy is not to be found in granting county home rule to these situations. It consists first in the organization of smaller groups of people within such areas into voluntary clubs where the give-and-take of associate life will train them to work together. Second, it consists in providing for these people a form of local government in which they can most easily and effectively translate their experiences of voluntary coöperation into the higher form required by successful local self-government.

In areas where the people are not ready for any real local self-government, the county should serve as a state-

administrative area in performing what elementary local functions ought to be provided in the area—*e. g.*, schools, roads, health, etc.—in an efficient but minimum way. It would then be up to the local people to organize and incorporate as rural municipalities when the urge to have more than a bare minimum of governmental services and institutions became strong enough to stimulate such local coöperation. This would not and should not preclude the stimulus afforded by state and Federal aid to local areas which attain certain minima or which are willing to raise certain stipulated sums of money to support better rural facilities.

Thus the county, in a sense, would revert to its original place as a state administrative area with but few powers of local self-government. Incorporated places, on the other hand, including the incorporated rural municipality, would be the units possessing broad powers of local self-government secured through home rule or optional charter plans as the legislatures of individual States may be willing to provide.

The Administrative County. In replanning local government along the lines suggested here, some constitutional amendments will be necessary in every State. This fact should not deter us from looking in the direction of a more efficient local governmental system, as it is obvious that for any really effective reforms either in the more frequently advocated extension of added powers of local self-government to counties, or the present plan, such amendments will have to be made. In the administrative county there should be but a very small group of locally elected officials—namely, a county

board of three commissioners, a judge, and a sheriff. An even more thorough reorganization would make the judge and sheriff also appointive, but it is doubtful if such a radical departure from traditional confidence in the ballot-box as a means of securing desirable incumbents for these positions would receive any popular support.

The county board would appoint a county manager, who in turn would appoint all department heads except possibly the superintendent of schools and the health officer. These latter officials might be appointed by honorary boards of education and health which were in turn appointed by the county commissioners. All appointees of the county manager and any who might be appointed directly by the county commissioners (except members of honorary boards) should be required to stand a competitive examination for the position given by the state civil service commission. For each vacant office to be filled by such appointments, the three highest examinees would be certified by the state civil service commission to the local appointing authority (county commissioners, county manager, or honorary boards). The local appointing authority, after making such further investigations of each of the three nominees as may seem desirable, may select one of them to fill the position. If none of the nominees seems suitable, the local appointing authority may request that three more nominees be certified by the state civil service commission. This arrangement would have to be guarded against to prevent local appointing authorities from continuing to demand lists of eligibles from the state

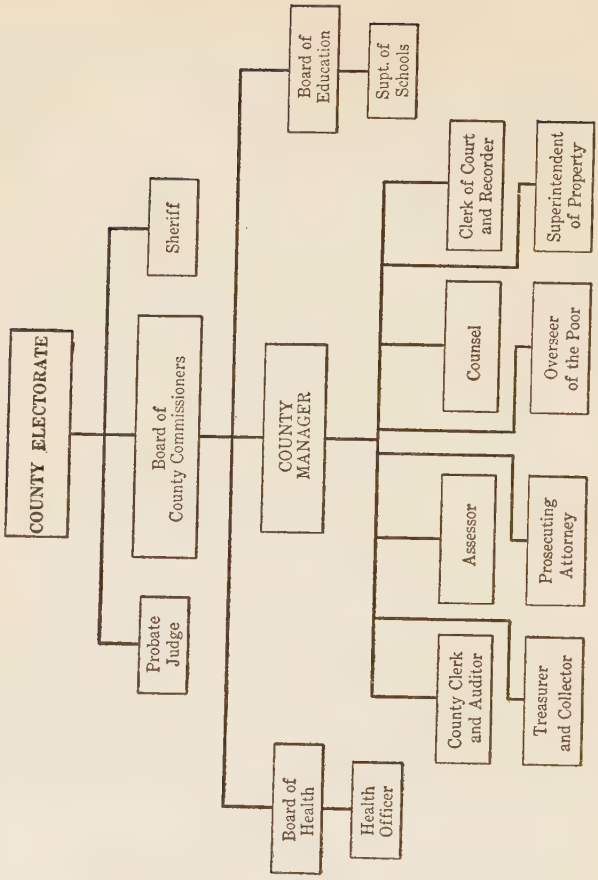

CHART 13

Diagram of reorganized county government, showing concentration of responsibility. (Modified from K. H. Porter, "County and Township Government." New York, 1922. Page 299)

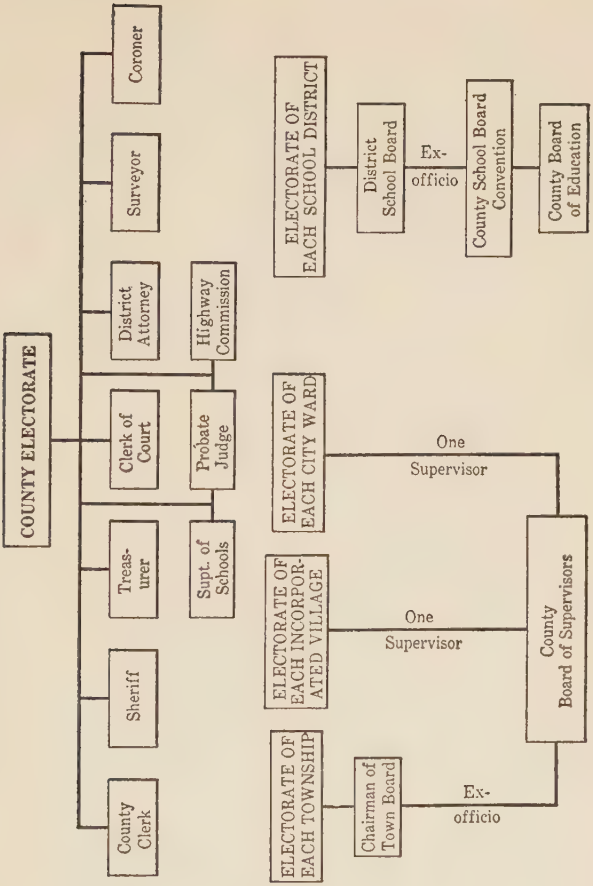

CHART 14

Diagram of present county government in Wisconsin. No centralized authority or responsibility

civil service commission until some favorite (who might not be as well qualified for the work as other candidates) was certified by the commission.

Terms of office of all appointees, except members of any honorary boards, should be of indeterminate duration. The removal power should be kept sufficiently alive to insure honest and efficient work on the part of appointed subordinates. A diagram of this form of administrative county government, modified from one by Porter, is given in Chart 13, with another, illustrating the existing complexity and lack of centralized authority found in a typical Wisconsin county. The county board of commissioners should exercise whatever policy-determining power is still held by county government, except in so far as it might delegate some of this to the honorary boards indicated. The county board of commissioners should have control over the budget and levy the tax to produce revenues for the same. It should have final approval over all large contracts to be let, and should pass upon all claims against the county as is now commonly done, but in this case upon the recommendation of the county manager, or honorary boards, up to the limits set by the budget appropriations for these several purposes. The county board should serve as tax-equalization board between the various municipalities having power to make property assessments for general purposes, while the county assessor should be called upon to handle such property as is not included within the boundaries of various incorporated places within the area. This latter official would also assess certain types of property which represent interests not

confined to any one incorporated place, such as central station power companies, in States where these are not assessed directly by some state authority.

A word should be said concerning the care of dependent and delinquent persons, ordinarily considered county wards under the traditional system. County poor-farms or homes for the aged and infirm, and county jails for the incarceration of convicted persons over any extended period of time, are evidences of holdovers from the Middle Ages. Adequate institutions which permit of proper classification, care, rehabilitation, reformation, or training, as the case may be, for all groups of dependents, delinquents, and criminals should be provided for by the State and supported out of state revenues. Counties should not only be relieved of the obligation of caring for these groups of people requiring institutional care, but should be prohibited from even attempting to enter into these activities except in extreme emergencies. Only a few of the most populous counties can establish or maintain necessary facilities or have enough persons to justify even the most elemental classification and treatment looking toward the rehabilitation and reformation of as many as possible. A limited amount of outdoor relief (using standardized systems of record keeping subject to state supervision for this work) and confinement in county jails for brief sentences of not over a month or so, or while awaiting trial, should be about the maximum of work in these fields permitted to counties or to other units of local government, except to perhaps a very few of the largest metropolitan areas. State government

(or, in the case of small and more sparsely settled States, interstate coöperation) must be relied upon to do scientific work in these important matters. They are *not,* logically, functions of local government, as has been proved amply by the almost universal failure to meet such needs satisfactorily wherever local government has been required to take care of these things for itself.

City-County Consolidations. The more pronounced recent tendencies in city-county consolidation were briefly discussed in the preceding chapter. In the present plan of reorganization, much of the difficulty now existing between rural areas and urban areas in a given county over county self-government would be eliminated, since purely local functions of the county in matters of self-determination are delegated to other units. However, in this plan it seems best that all cities of the first class in our suggested grouping (those over 100,000 in population) should be set out as independent county units, providing only such officials in addition to those already included in the plan of municipal government as are necessary to administer state functions within the city-county area. One budget and one tax-rate would serve the joint municipality, and but few additional officials would be required. All these administratives should be appointed by the mayor, city manager, or city commission, depending upon the form of government used. For the largest of these cities, as determined by the state legislature, a special judicial circuit for trying major criminal cases and hearing ap-

peals from lower courts may be authorized, the judge being either elected or appointed. Similar provisions should be made for civil actions and matters of probate. Otherwise, these city-county units would remain parts of a court circuit together with such additional counties or city-county units as the state legislature might designate as a single judicial circuit. In relation to state government, these city-county units would be treated just as any other county would be handled.

Other Counties. The remaining counties under this plan of local government reorganization would contain the other types of incorporated places and would administer state functions within their respective counties in much the same way as at present, but with the indicated reduction in number of elective officials and centralization of authority. It would be extremely desirable to combine some smaller counties under this arrangement so as to make more efficient administrative areas. In such cases it would be possible to hold court sessions at more than one place if necessary, but in the main, with modern transportation facilities, the average person in such combinations would still be nearer to the county seat than his parents were twenty-five years ago. Furthermore, there would be less opposition to combining counties whose activities are mostly administrative than there is now when county governments possess considerable powers of local self-government. Of course, existing county indebtedness and resources would have to be adjusted in all such consolidations and an equitable plan devised for meeting any financial

obligations which are proportionally greater in one county than in the others involved in a proposed consolidation.

This, in brief, sketches some suggestions for the reorganization of county governments in order more nearly to realize five main objectives, as follows:

1. To reduce the overlapping of functions between counties and other areas of local self-government.

2. To concentrate authority and responsibility in the hands of fewer persons, who in turn are directly responsible to the electorate or to a small board representing the electorate, regardless of the specific form of local government concerned.

3. To provide for the better administration of state functions in local areas.

4. To provide more flexible units of local self-government in rural areas, so that groups of people whose other interests serve to draw them together will be enabled to unite for purposes of local self-government as well, instead of being forced to remain in the highly artificial, inadequate, and consequently unsatisfactory local units which are found all too frequently in rural sections at present.

5. To reduce at least some of the town-country friction now prevalent in many localities, at least in part, because of the inability of the two groups to work out a satisfactory set of local political institutions and services through a lack of authority to unite in these matters by the organization of a consolidated town-country municipality as is proposed in these pages.

Conclusion. The plans which have been outlined

in the preceding chapters for units below the county in size, and in the present chapter for the county itself, are far from ideal. Specific details remain to be worked out for individual States. Constitutional amendments are required in every State where such a reorganization might be put into effect. These constitutional amendments cannot be accomplished in a day or a year. They are almost invariably difficult to secure and can be effected only after a skilfully planned program of educational publicity has been conducted for the purpose of generating favorable public opinion. The proposed changes do appear to strike more nearly at the roots of our present problems in local rural government than do most of the previously published schemes of reorganization, largely because the latter usually fail to appreciate the need for some flexible rural municipality as a unit of local government comparable to the incorporation of villages and cities. Instead, they are more likely to provide for the virtual abandonment of what few scraps of local self-determination now remain to rural people in their present unsatisfactory forms of local government in favor of rather large counties whose chief function is to serve as state administrative districts and with a minimum of opportunity to determine policies and functions on their own account. The author agrees with the idea of large administrative counties, but at the same time insists upon a smaller unit for rural people as well as for townspeople.

Certainly, any basic reforms of local government in the future will have to take into account the economic and social groupings of rural people if the results are

to command that live interest, active participation, and intelligent coöperation of the citizenship which is vital to a local democracy that is a fact, not a fiction. Many additional changes, helpful from the standpoint of pure business efficiency, should be included in reorganization plans, but these alone will not automatically attain the best in local rural government. The rural municipality, or some similar unit, is a necessary feature in the attainment of any dynamic local governmental structure in the rural areas of the United States.

Finally, to the political scientists there is an especial appeal for help in meeting the problems indicated. The earlier and seemingly more acute (and spectacular) maladjustments of municipal government in our great cities have rather overshadowed the rural needs in this field. It will be necessary to do a great deal more in the way of fundamental research before satisfactory schemes of reorganization can be completed in all details. But the field is much broader than that ordinarily considered as the subject-matter of political science alone. Economics, sociology, education, psychology, engineering, and possibly other subjects (especially in their rural applications), have much to contribute. Coöperation between workers in all these varied sciences is vital to the best working out of these matters. If this volume succeeds in provoking more interest in local rural government by authorities in these different subjects, it will have fully accomplished its purpose and justified the effort put forth in its preparation.

PART IV

A PROPOSED RURAL MUNICIPALITY INCORPORATION LAW

A PROPOSED RURAL MUNICIPALITY INCORPORATION LAW

Article I

INCORPORATION

Section 1. The term "rural municipality" as used herein shall apply only to localities which have incorporated under the provisions of this act.

Section 2. The people of any locality in (name of State) upon petition signed by at least one hundred qualified voters of such area, embracing a territory containing not less than five hundred (500) persons of all ages, and having an assessed property value both real and personal of not less than five hundred thousand (500,000) dollars, may be incorporated under the provisions of this act as a rural municipality. The title of this rural municipality shall be ——, said name to be supplied in the petition for incorporation. Said petition containing the signatures of the qualified voters as prescribed above shall be accompanied by a map showing the area to be included, together with certified statements from the county or township records and a new census of population showing that all minima required by this section are satisfied by the proposed area. Said

petition shall also contain the names and addresses of three persons authorized by the petitioners to act for them during the process of incorporation and until the first election of officials for the municipality shall have been held. No territory shall be included within the bounds of more than one rural municipality. No incorporated village or town shall be included within a proposed rural municipality, unless the aforesaid petition for incorporation shall contain the signatures of at least twenty-five (25) qualified voters residing within said town or village to be included, and the signatures of at least twenty-five (25) voters residing in the remaining area.

Section 3. The petition of any locality seeking incorporation under the provisions of this act shall be sent to the secretary of state at his office in (name of city) who, if said petition be in proper form and accompanied by the documents and evidence prescribed in Section 2 of this Article, shall issue a certificate of incorporation therefor, and shall send a duplicate of said certificate to the bureau of municipal service as hereinafter established. The certificate of incorporation shall become effective upon its acceptance by a majority of the qualified voters of the proposed area who cast ballots in a special election to be held not less than thirty nor more than sixty days after such certificate has been received by one of the persons named in the petition as having authority to act for the petitioners during the process of incorporation. Said special election shall be held in the manner now prescribed by law for special local elections, the county clerk (or clerks) to

provide the necessary ballots and to appoint election clerks and tellers, the expense of such special election to be borne by the county (or counties) concerned. The results of said election shall be certified to the county clerk (or clerks) who shall under his (their) official seal (seals) insert the results of the election in the proper place for such record (records) in the same manner as is now prescribed by law for other elections. Failure to hold such an election within the proper time limits or failure to secure the prescribed majority of the total vote cast in favor of accepting the incorporation plan shall void the certificate of incorporation, and the county clerk (clerks) shall notify the secretary of state of said failure; *Provided,* that where the proposed rural municipality is to contain a present incorporated village or town, the election must show that a majority of the residents of said incorporated village or town and a majority of the residents of the remaining area of the proposed rural municipality cast votes in favor of the plan of incorporation; *Provided further,* that where the proposed rural municipality is to contain a present incorporated village or town, any existing current and bonded indebtedness of the incorporated village or town shall become a direct obligation against the rural municipality, except that in case a plan of zoned taxation as provided for in Article V is adopted by the rural municipality, said existing indebtedness may become the indebtedness of particular zones over which the benefits of the facilities for which said indebtedness was incurred may extend.

Section 4. The qualified voters who are entitled to

vote in the election for or against the acceptance of the certificate of incorporation as a rural municipality shall be all those persons resident within the area to be incorporated for a period of at least ninety days prior to the date of the above-mentioned election, and who are otherwise qualified to vote in county elections.

Section 5. Any area which has defeated a proposal to incorporate as a rural municipality shall not be eligible to vote on this proposition again for a period of two years from the date of said election in which the application for incorporation was defeated.

Section 6. Additional contiguous territory may be added from time to time to any rural municipality incorporated under the provisions of this act, upon petition containing the signatures of a majority of the qualified voters residing in such territory to be annexed, accompanied by a map of the area and by statements as to the total population and assessed property values of the area. This petition shall be acted upon in the next annual municipal meeting of the rural municipality concerned, and upon vote of a majority of the qualified voters present in said meeting, the area asking admission shall be included in the municipality; *Provided,* that a strip of land not more than one mile in width lying between the present boundaries of two or more rural municipalities shall be annexed to one or all such municipalities in such a manner as the residents within said area shall determine by petition containing the signatures of a majority of the qualified voters of the area in support of this plan; any disputes arising as to the disposition of said territory among the rural

municipalities concerned shall be settled by the county board (or boards) after hearing all sides of the issue. In petitions of this kind, said rural municipalities as are to receive such annexations of territory shall accept these areas, provided that the petition is in due form. In case any rural municipality does not want to accept the area to be annexed, it may appeal to the county board (or county boards) stating its objections against the proposed annexation, and the county board (or county boards) shall make such disposition of the case as seems most expedient for all concerned.

Section 7. Two or more rural municipalities may vote to consolidate into a single rural municipality upon acceptance of the proposition by a majority of the qualified voters resident in each rural municipality so voting, but propositions of this kind can be taken up only in annual municipal meetings or appear on the ballots for election of municipal officials in rural municipalities which do not provide for an annual municipal meeting; *Provided,* that all details of such proposed mergers are approved by the bureau of municipal service as hereinafter established, and that the proposed merger plan makes adequate provision for the assumption of any existing indebtednesses of the rural municipalities participating in such merger according to the decision of the bureau of municipal service.

Article II

MEETINGS AND ELECTIONS

Section 1. The qualified voters as defined by Section 2 of this Article, of each rural municipality, shall hold an annual public municipal meeting on the first Saturday after the first Friday in October, or at such other date as may be specified in the petition for incorporation. The place of such meeting shall be designated in said petition for incorporation, but the time or place or both may be changed at any annual municipal meeting to take effect at the next annual meeting. At any annual meeting the voters may adjourn to meet at some other specified time; and other meetings may be held upon petition signed by at least ten (10) per cent of the qualified voters, or upon call of the municipal board of directors; *Provided,* that notices of all annual or special meetings shall be conspicuously posted in at least three public places in the municipality and published in any and all newspapers having general circulation among the residents of the municipality, at least two weeks but not more than four weeks prior to the date of such meetings. Questions involving the levy of any tax, or the issuance of any bonds, however, shall be decided only at the regular annual municipal meeting.

Section 2. (a) The qualified voters who shall have the right to vote in the municipal meetings and elections of any rural municipality shall be those eligible to vote for county officials, and in addition who have been

bona fide residents of the rural municipality for a period of at least ninety days prior to such meeting or election; *Provided,* that nothing in this section shall be construed to take away the privilege of voting for other officials outside of the rural municipality in any election where the person concerned is otherwise qualified to vote.

(b) The municipal board of directors shall annually compile, or cause to have compiled by its clerk, a true and complete list of the residents of the rural municipality who are qualified to vote in the municipal meetings and elections, the compensation for such work to be not more than one cent per name appearing on the final list. Copies of said list shall be posted in at least three public places within the rural municipality not less than one month prior to the annual meeting. Persons whose names are omitted from the list through error, or others who may have become eligible to vote during the year in accordance with the provisions of this section, may have the privilege of registering and establishing their claims on the two days next preceding the annual municipal meeting at the offices of the municipal board of directors.

Section 3. Warrants announcing the time and place of the annual municipal meeting, to be posted as specified in Section 1 of this Article, shall contain an itemized order of business for said meeting prepared by the municipal board of directors. Only business which is mentioned in the official warrants may be legally transacted, but upon petition containing the signatures of fifty qualified voters, the municipal board of directors

may be required to place in the warrant any item of business which the petitioners desire and upon which the municipal meeting has power to act, provided that said petition is presented to the municipal board of directors at least four weeks prior to the date of the annual meeting. These same provisions shall apply also to warrants announcing any business transacted in any special municipal meetings.

Section 4. The order of business for the annual municipal meeting of a rural municipality shall be as follows:

1. Meeting called to order at the designated time by the chairman of the municipal board of directors.
2. Election of a temporary chairman to preside during the immediate meeting only. Existing rural municipal officials or publicly announced candidates for municipal offices shall be ineligible to serve in this capacity.
3. Election of the following officials by ballot:
   a. A chairman of the municipal board of directors.
   b. Two members of the municipal board of directors.
   c. One member of the municipal board of education as required in Article VIII of this act.
4. The annual reports from the municipal board of directors, the municipal manager (if there be one), and from any other officials or committees.
5. The taking up and acting upon each item of busi-

ness enumerated in the warrants announcing the meeting.

Section 5. A quorum for the legal transaction of business in any municipal meeting shall consist of at least twenty-five (25) per cent of the qualified voters of the rural municipality; *Provided,* that if at least twenty-five (25) per cent of the qualified voters are not present at the annual meeting, the officials to be elected shall be chosen at a special election to occur not less than fifteen (15) or more than thirty (30) days after the date of the annual meeting, the present officials to continue in office until their successors are chosen, said election when necessary to be held to be conducted in the manner now prescribed by law for special elections in incorporated places; *Provided further,* that in case the above quorum is not present at the annual municipal meeting, the policies in force for the year closing and the budget and tax levy adopted by the last preceding annual municipal meeting at which a quorum was present shall continue in force for the coming year; *Provided further,* that in case a quorum is not present at a special municipal meeting, another call for a special meeting shall be issued in the prescribed manner, said meeting to be held not less than fifteen (15) nor more than thirty (30) days after the original date for the special municipal meeting, and if a quorum be not present at the second special municipal meeting as herein prescribed, the business proposed for said special municipal meeting shall be carried over and placed in the warrants announcing the next suc-

ceeding special or annual municipal meeting which occurs in the rural municipality concerned.

Section 6. The qualified voters assembled in the annual municipal meeting of any rural municipality may pass such ordinances and adopt such a budget and levy such taxes or vote such bond issues as are allowed to all rural municipalities under the powers conferred by this act not contrary to the laws of this State or of the United States of America; *Provided,* that notice of the proposal to vote a bond issue has been included in the official warrants for the meeting as prescribed in Section 3 of this Article.

Section 7. The qualified voters assembled in any annual municipal meeting, provided advance notice of the proposition has appeared in the warrants announcing the meeting as prescribed in Section 3 of this Article, may adopt either of the following alternative forms of municipal governmental organization as prescribed in Subsections (a) and (b) of this Section upon a majority vote of all qualified voters resident in the municipality; or upon a majority vote of the qualified voters assembled in the annual municipal meeting, this proposition may be submitted to the voters of the municipality in a special election to be held in the time and manner prescribed by Section 5 of this Article for special elections of municipal officials, a majority of all qualified voters resident in the municipality and voting favorably in said special election being necessary to carry the proposition:

(a) As legislative and policy-determing authority for the rural municipality which shall have all the powers

of annual and special municipal meetings herein prescribed, except final authority to issue general bonds against the municipality, there shall be organized a municipal council constituted in the following manner, to wit: The municipal board of directors shall district the rural municipality into not less than five nor more than ten precincts (as specified in the proposition submitted to the annual municipal meeting) consisting of contiguous compact territory and containing substantially equal total populations, said districting to be repeated at least every five years. The municipal clerk shall prepare or cause to have prepared a list of the qualified voters resident in each precinct. Not less than thirty (30) nor more than sixty (60) days prior to the usual time of holding the annual municipal meeting, the qualified voters of each precinct shall meet, nominate, and elect ten qualified voters resident in their respective precincts and five alternates who will serve in place of principals if necessary, to represent the voters of the precinct in the annual municipal meeting and any special municipal meetings which may be called during the year, and they shall serve for one year from the time of their election. Each precinct meeting shall be announced in the manner now prescribed for the announcement of annual municipal meetings, except that the announcements shall be posted in at least three public places within each precinct, the time of said precinct meeting to be determined by the municipal board of directors within the limits herein specified. Each precinct meeting for the election of delegates shall be called together at the time specified by a per-

son appointed to serve in this capacity by the municipal board of directors. Each precinct meeting shall then effect a temporary organization by the election of a chairman and clerk to serve for the meeting. Said precinct clerk shall certify over his signature the names and addresses of persons named as principal and alternate delegates, said certifications to be turned over to the municipal clerk not more than three days after the precinct meeting. Said precinct meetings shall consist only of those qualified voters whose names have been entered by the municipal clerk as being residents of each precinct, but any person otherwise a qualified voter of the rural municipality as prescribed in this act, who has been a bona fide resident in any precinct for not less than thirty days prior to said precinct meeting, may appear before said municipal clerk on the day prior to his precinct meeting and upon proper proof of residence the municipal clerk shall add his (or her) name to the list of qualified voters resident in the precinct specified.

Said precinct meetings shall have the authority to require the insertion of any item of business upon which the annual municipal meeting has authority to act in the warrants announcing said annual municipal meeting, but no precinct meeting shall have the authority to bind its delegates to vote in any particular way on any proposition which may come up for action in the annual or special municipal meetings, said delegates being left free to exercise their own judgment in voting at said annual or special meetings.

In all annual and special municipal meetings where

a rural municipality shall have accepted this alternative plan of organization the delegates shall have the same powers and function in the same manner as individual citizens would in annual or special municipal meetings of all qualified voters, except that in the issuance of bonds the action of the delegates in the annual municipal meeting shall be ratified or rejected by the voters in a special election to be held not less than thirty (30) nor more than sixty (60) days following the annual municipal meeting, a majority of all qualified voters resident in the municipality being necessary to authorize any bond issue recommended by the annual municipal meeting of delegates. A quorum for the legal transaction of business in any annual or special meeting of delegates shall consist of one half of all the delegates who compose the municipal meeting of delegates.

In all annual or special municipal meetings where a rural municipality shall have accepted this alternative plan of organization, the residents of the rural municipality shall be allowed to be present as spectators, but the delegates as herein selected shall be seated separately from other persons present, and no person not a delegate shall be accorded the floor for any purpose whatsoever unless allowed to do so by a two-thirds majority of the delegates present.

(b) In lieu of the annual municipal meeting of qualified voters, all of its powers and authority except final authorization of bond issues may be transferred to the municipal board of directors. Said municipal board of directors, consisting of three men, a chairman and two other members, shall then be elected at the same time

as is now prescribed for county officials, said members of the municipal board of directors to serve for two-year terms. The chairman of said board shall assume all the responsibilities of the chairman of the municipal board of directors prescribed elsewhere in this act, and said municipal board of directors shall assume all duties prescribed for them elsewhere in this act. All proposals for bond issues, before these may be floated, shall be submitted to the qualified voters of the rural municipality for ratification (or rejection) at the same time that members of the municipal board of directors are to be elected, a majority vote of all qualified electors residing in the municipality being necessary to carry the proposition.

(c) Upon petition containing the names of not less than one hundred (100) qualified voters of any rural municipality which has adopted one of the alternative forms of organization provided for by Subsections (a) and (b) of this Section, the question of going back to a general municipal meeting of all qualified voters, as provided for in Section 1 of this Article, shall be submitted to the voters at the time of any municipal election, and if accepted by a majority of all qualified electors resident in the rural municipality, said rural municipality shall go back to its former method of holding an annual municipal meeting of all qualified voters, said change to be made at the time when the next annual municipal meeting would naturally occur under the schedule used prior to the adoption of an alternative form of organization; *Provided,* that any rural municipality which elects to go back to the original plan

of an annual municipal meeting of all qualified voters shall not be eligible to adopt an alternative form permitted by this section for at least five years following the time of reverting to the original plan.

Section 8. Roberts's Rules of Order shall be the standard guide for paliamentary procedure in all municipal meetings. The municipal clerk shall keep the official minutes of all meetings.

ARTICLE III

OFFICIALS AND THEIR DUTIES

Section 1. The municipal board of directors, consisting of a chairman and two other members elected at large as provided for in Article II of this Act, shall be charged with the responsibility of carrying out the wishes of the voters as expressed in annual or special municipal meetings. The municipal board of directors may issue such necessary rules and regulations to properly enforce the ordinances of the municipality and shall meet as often as necessary for the transaction of official business. They shall receive such compensation (if any) as the annual municipal meeting may direct. In the absence of authority (granted by the annual municipal meeting) to appoint a municipal manager, the chairman of the municipal board of directors shall serve in this capacity and shall perform such duties as are prescribed for the office of municipal manager as well as those prescribed for the office of chairman of the municipal board of directors. In every rural municipality the municipal board

of directors shall appoint the following officials to serve at the pleasure of the board or until their successors are appointed by the present or succeeding municipal boards of directors, with such compensation as the annual municipal meeting may direct; said appointees may not of necessity be qualified voters of the municipality in which they are appointed to serve at the time of receiving their appointments, but during their periods of service to the municipality they must reside within the bounds of the municipality in which they hold an appointment, and they must in any case be citizens of the United States:

1. A municipal manager (appointed only in case the municipal meeting authorizes said office to be created for the local municipality in question, otherwise the chairman of the municipal board of directors shall fill this office *ex officio*).
2. A municipal clerk. (Must be appointed in all municipalities.)
3. A municipal treasurer. (Must be appointed in all municipalities, but upon order of the annual municipal meeting the offices of clerk and treasurer may be combined in one person, or if previously combined may be separated into two appointments.)

In accordance with the provisions of Section 5 of this Article, the municipal board of directors may also nominate some person to serve as justice of the peace for the municipality. The municipal board of directors shall have the right to inspect or otherwise examine the work and records of any of its appointed officials or

their subordinates without advance notice, or they may call for such reports as they may deem necessary from any of the appointed officials, reasonable time being allowed for the preparation of such reports. The municipal board of directors may temporarily suspend any of its appointees pending investigation of the affairs of the office concerned, or it may request the resignation of any of its appointees subject to thirty days' written notice; said appointees having the right to an open hearing in their defense in all cases of alleged malfeasance in office as is now provided for by law in such cases. The municipal board of directors shall pass upon all claims for payments from the municipal treasury except the school funds in the manner prescribed by Article V of this Act.

Section 2. The municipal manager (if one be authorized at an annual municipal meeting), or in the absence of this official the chairman of the municipal board of directors, shall be charged with efficiently and justly administering all the affairs of the municipality except the public school system. The annual municipal meeting may authorize the appointment of such assistants for proper policing and proper administration of all civic functions undertaken by the municipality as may appear to be necessary, and in the absence of authority to appoint subordinates, the municipal manager shall perform these duties in person. He shall annually prepare a proposed municipal budget for the municipal board of directors containing a complete itemized statement of the expenditures recommended for each phase of municipal activity (excepting the school system), said

budget to be completed at least one month prior to the announced date of the annual municipal meeting. He shall make such bond as the municipal board of directors may require, and shall prepare such reports as may be required of him by the annual municipal meeting, the municipal board of directors, or the bureau of municipal service. In general, he shall have such responsibilities and duties and shall perform such functions as are now commonly required of mayors of incorporated villages and towns.

Section 3. The municipal clerk shall serve as secretary to the municipal board of directors and to the annual or special municipal meetings. He may be required to prepare lists of the qualified voters as provided for in Section 2 of Article II of this act. He shall be responsible for posting all notices and warrants in public places as required by this act. He shall promptly prepare and turn over any reports which may be required of him by the municipal board of directors, or the bureau of municipal service, and shall serve as election clerk for all municipal elections, appointing such assistants as may be necessary and compensating them as is now provided for by law in the general elections of this State. He shall prepare all warrants on the municipal treasury in the manner prescribed by Article V of this act as interpreted by the bureau of municipal service. He shall give such bond for the proper performance of his office as the municipal board of directors may require. In general, he shall perform such administrative functions as are now required of clerks of incorporated villages and towns.

Section 4. The municipal treasurer shall have custody over all funds of the municipality. He shall honor only such warrants against the treasury as have been authorized, prepared, and presented in the manner prescribed by Article V of this act, and shall use the system of accounting and all forms prepared or required by the bureau of municipal service as herein established; he shall issue receipts for all moneys received by him from any source whatsoever and shall immediately add to the credit of the municipality any interest received from funds on deposit in any bank; he shall give such bond to the municipal board of directors as may be required of him, and shall prepare promptly and submit any reports to the municipal board of directors, to the board of education (concerning the school funds only), and to the bureau of municipal service as may be required of him; and shall prepare an annual report of the receipts, disbursements, and balances in the municipal treasury (except school funds) to present to the annual municipal meeting.

Section 5. Justices of the peace already resident in a rural municipality may try such cases, either civil or criminal, arising out of the violation of municipal ordinances, county ordinances, state or Federal laws, over which they may have jurisdiction. If there be no justice of the peace now resident within the bounds of a rural municipality, the municipal board of directors may nominate some suitable person, a resident of the municipality, who upon receiving his commission in the manner now prescribed by law for elective justices of the peace, shall exercise all the powers of the office in

the area included by the rural municipality, the term of office of said appointed justice of the peace to be the same as is now prescribed for elective justices of the peace in this State.

Section 6. All officials except justices of the peace shall receive such compensation, if any, as the annual municipal meeting may direct in the adoption of the municipal budget. Justices of the peace shall be allowed such fees as are now established by law for justices of the peace generally.

Article IV

POWERS OF THE RURAL MUNICIPALITY

Section 1. At any legal municipal meeting of citizens as provided for in Article III of this act, when notice to consider such action has been duly published in the warrants calling said meeting, the voters of any rural municipality may adopt, amend, or repeal ordinances concerning any and all of the following subjects; *Provided,* that such action is not inconsistent with the laws of this State and/or of the United States of America:

a. Authorizing the board of education to provide for vocational and/or adult education in the public schools of the municipality.

b. The establishment and maintenance of a public library system, subject to such supervision by the state library commission as may be required by law.

c. The purchase of land and buildings or the erection

of suitable buildings and providing of necessary equipment to promote the purposes of the municipality, including a municipal building and/or a jail, the former to include facilities for public recreation and civic activities if so desired or housed separately at the discretion of the voters.

d. The establishment and maintenance of a general public hospital and/or public clinic, including suitable ambulance facilities and first aid or emergency stations in various parts of the municipality, subject to the advice and approval of the state board of health in all matters of building construction, equipment, or alterations; *Provided,* that charges for the hospitalization of any resident shall not exceed by more than 10 per cent the actual cost of food, labor, medicine, interne service, and building maintenance involved. The cost of caring for charity patients shall be paid for out of funds appropriated for that purpose by the rural municipality, or given to the municipality by persons or organizations, said donations by private parties not to be restricted by conditional clauses whch would unduly confine their use by the municipal board of directors in caring for charity cases.

e. The hiring of a public health officer and one or more visiting nurses.

f. Aids to further protect the public health, including the licensing of and setting standards of sanitation for all stores, peddlers, hawkers, and others selling or dispensing foodstuffs, medicines, confectionery, or any other articles or substances which might be carriers of any disease whatsoever or other menaces to health,

together with the establishment of a system of fees to cover the actual expense of maintaining adequate inspection thereof.

g. The purchase of land for and development of suitable buildings and equipment to serve the municipality's recreational needs and to promote its civic interests; including parks, playgrounds, swimming-pools, gymnasia, community hall, rest-rooms, monuments, memorials, drinking-fountains, forest and game reserves, and the maintenance of the same.

h. The adoption of a municipal building code to apply to any or all classes of buildings, public or private, to be erected, enlarged, or altered within the municipality, including an inspection service to insure the proper enforcement of said building code.

i. The licensing and suitable regulation of all places of commercial amusement, including theaters, motion-picture shows, dance halls, pool and billiard parlors, bowling alleys, amusement parks, carnivals, tent shows, soft-drink and refreshment parlors or stands of any kind, and any other facilities of any description operated for private profit and catering in any way to the recreational life of the municipality.

j. To aid in the providing of suitable programs at patriotic celebrations.

k. The purchase or building of public utilities, or the granting, renewing, or changing of franchises granted to private companies for the providing of such services in the manner now prescribed by law for incorporated villages, subject to the rules and regulations of the state public utilities commission.

l. The providing of suitable police and fire protection services.

m. The building and care of public roads and bridges not included in state or county highway systems, and the regulation of traffic thereon.

n. The lighting of public streets and roads.

o. The condemnation of land for public purposes of the municipality, subject to the procedure now required for condemnation proceedings by villages or other incorporated places.

p. Aids to the enforcement of state and Federal laws locally.

q. Regulations to suppress, control, or eradicate any plant, insect, animal, or other pests, or any diseases which are a menace to the farming or other interests of the municipality; including the appropriation of funds to aid in the enforcement of these regulations, together with suitable fines or penalties for refusal to comply with the same on the part of any individual or organization within the municipality.

r. Aid to agricultural fairs and exhibits, and to boys' and girls' club project work or similar activities carried on in coöperation with the public schools.

s. The abatement of nuisances of all kinds.

t. The regulation of vagrancy.

u. The care of paupers and aged and infirm persons not otherwise provided for, and within the limits now prescribed by law for towns and villages.

v. The purchase and care of a cemetery, and/or the care and beautification of any cemeteries of historic significance located within the municipality.

w. The levying of taxes, the collection of fees and fines, and the issuance of bonds in furtherance of the purposes of this act as authorized by the voters in accordance with the provisions of Article V of this act.

Provided, that nothing herein contained shall be construed in such a way as will cause any rural municipality incorporated under the provisions of this act to lose its identity as a part of the road or school systems of the county or counties in which it is located, or its right to participate in the same as before incorporated in the benefits to be derived from distribution of state, county, or township funds raised by taxation or otherwise, for the building or maintaining of public roads, public schools, for the public health, or for any other public purpose.

Article V

TAXATION AND FINANCE

Section 1. *Tax Levies and Bond Issues.* That for the promotion of any or all of the objects mentioned in Article IV of this act, whose benefits are substantially general throughout the entire area of the municipality, the qualified voters of any incorporated rural municipality, in annual meeting assembled, shall have the right to levy taxes or authorize the issuance of bonds within the limits hereinafter prescribed, either for certain specific purposes as herein authorized, or for the general use of the municipality as itemized in a budget submitted

by the municipal board of directors and accepted by a majority of the qualified voters present at said annual meeting; *Provided,*

(a) That a specific mill tax for the support of the public schools of the municipality as levied against the real and personal property of the area shall be determined by the board of education as hereinafter provided, but not to exceed the maximum now prescribed by law for this purpose, except that to further adult education the annual municipal meeting may include a sum not to exceed five hundred (500) dollars per year in the general municipal budget.

(b) That the aggregate of taxes for general municipal purposes which is to be raised by the general property tax on real and personal property, not including the millage tax voted for the public schools as provided for in Subsection (a) of this Section, shall in no case exceed twelve (12) mills per dollar of assessed property.

(c) That the aggregate amount of bonds issued and outstanding for general purposes shall at no time exceed the maximum now prescribed by law for incorporated places, nor shall the tax levy necessary to pay the interest on and retire all bond issues within twenty-five years after their date of issue exceed five mills per dollar of assessed property, this to be included within the maximum allowed for general purposes as prescribed in Subsection (b) of this Section. This tax to retire said municipal bonds and to pay the interest thereon shall not be reduced or repealed until the bonds have been retired within the time allowed for such bonds to run, and the interest on the same is paid in full.

(d) That all bond issues of rural municipalities incorporated under the provisions of this act be officially approved by the bureau of municipal service before they can be put on the market, and shall contain a statement to this effect on the face of each bond so issued. The bureau of municipal service shall have the right to refuse approval of any bond issues which exceed the provisions of this section, or which in their judgment are against the best interests of the municipality proposing such issues.

(e) That for the construction and maintenance of roads and bridges not included in other highway systems the qualified voters at any annual municipal meeting may pass an auto license tax not to exceed five (5) dollars for each private car and ten (10) dollars for each truck, taxicab, and bus owned by residents of the municipality or those owned by non-residents but having regularly scheduled routes of freight, express, or passenger service through the municipality, or which solicit business in the municipality for more than one week in any one year, the municipal treasurer to provide a suitably named and numbered tag for each vehicle so taxed, said license plate to be attached to the front end of the vehicle for which it was purchased.

(f) That for the providing of a public hospital as authorized in Article IV a poll tax not exceeding two (2) dollars per annum on all persons residing in the municipality who are twenty-one (21) years of age or older may be levied at any annual municipal meeting, the revenue from said poll tax to be used to pay interest on and build up a sinking fund to retire a bond issue for

the construction of said hospital; *Provided,* that nothing in this Subsection shall prevent any rural municipality from providing for the payment of interest and retiring the principal on a bond issue for a hospital out of revenues from the general property tax if so desired, or at the discretion of the annual municipal meeting both sources of revenue may be used for this purpose.

(g) That for all objects mentioned in Article IV whose benefits are not substantially general over the entire rural municipality the plan of zone taxation as prescribed in Section 3 of this Article shall be used instead. The qualified voters in session at the annual municipal meeting shall determine as to the general or localized character of the functions for which tax levies shall be made, this decision to be final unless repealed at a subsequent municipal meeting, or appealed according to the method prescribed in Section 2 of this Article.

Section 2. *Appeals.* Upon petition containing the signatures of at least fifty qualified voters of any rural municipality filed with the municipal clerk not more than thirty (30) days after the annual municipal meeting at which the budget item (or items) protested in the petition was passed, stating that one or more specified items in the municipal budget are not substantially general in their benefits to the people of the rural municipality, expenditures for this item (or items) shall be temporarily enjoined until a hearing can be held by the municipal board of directors not less than ten (10) nor more than fifteen (15) days after the filing of said petition. The hearing shall be public. Notices of said hearing shall be posted in at least three public places in

the municipality not less than seven days prior to the date of said hearing, and shall be published in the newspaper or newspapers having general circulation among the residents of said rural municipality. Any and all interested parties may appear before the municipal board of directors at said hearing and show cause why the alleged item (or items) in the budget should or should not be held up on the ground that the item (or items) is not of general benefit to the municipality. The decision of a majority of the municipal board of directors upon conclusion of the hearing, and the examination of such additional facts as the board itself may care to make, shall be final unless appealed by petition containing the signatures of not less than one hundred qualified voters of the municipality presented to the municipal clerk not more than fifteen days after the decision of the municipal board of directors has been announced. The appeal petition shall be sent at once to the county tax-equalization board, which board shall conduct a hearing upon the same in the rural municipality concerned as soon as practical thereafter, notices of the appeal hearing having been posted as herein prescribed for the original hearing. The municipal treasurer shall be enjoined from paying out any money on warrants against this item (or items) in the municipal budget until the appeal decision is announced. The decision of the appeal hearing conducted by the county tax-equalization board shall be final. In case either the original or appeal hearing decides that the protested item (or items) is not properly a part of the general municipal budget, the municipal clerk shall be enjoined from issuing any warrants

against said item, and the municipal treasurer shall be enjoined from honoring any warrants drawn against said budget item (or items), and the funds shall remain unused in the treasury to be available for reappropriation under the budget for the following year.

Section 3. *Taxation Zones.* When any rural municipality incorporated under the provisions of this act shall contain any considerable areas essentially non-farming in character (*e.g.*, commercial, manufacturing, residential areas), one of the following optional plans of zoning for the purpose of levying taxes for additional municipal improvements clearly applying only to these areas may be selected by the qualified voters at any annual municipal meeting. When the qualified voters shall have decided to accept one of the optional zoning plans, the municipal board of directors shall appoint a zoning commission of five men representing all areas, to draw up a zoned map of the rural municipality showing the location of each parcel of real property with regard to its zone assignment, and to prepare a list of said property included in each zone. The map and list shall be placed on display in the municipal offices for fifteen days and announcements to this effect shall be posted in at least three public places in the municipality and published in the newspaper or newspapers having general circulation within the municipality, as soon as the map and list are made available. Any property-owner may protest the zone assignment of his property, said protest to be in writing and presented to the municipal clerk not more than five days after the time limit for public display of the proposed zoning plan has expired. The municipal

board of directors shall hold a hearing as soon thereafter as practical and shall take up each protest separately. If he so desires, the property-owner may be present when his protest is under consideration, and may make such additional statements concerning the case as he may desire. The municipal board of directors may place parcels of property involved in protests in other zones if it is clearly evident that an injustice would result by leaving them in the zones to which they were assigned by the zoning commission, said injustice to be interpreted as being either against the original property or against other property included in the several zones. Appeals from the decisions of the municipal board of directors may be taken to the county tax-equalization board for the county in which the property is located. After a hearing and a thorough investigation of the case, the decision of the county tax-equalization board shall be final. Each year thereafter a zoning commission of three persons appointed by the municipal board of directors shall make such changes in zone classifications of any parcels of real property which during the past year have so substantially changed in use or in benefits received from zone-administered functions as to warrant reclassification to other zones. All reclassifications shall be posted in the same manner as original zone assignments, and appeals on reclassifications shall be handled in the same manner as herein prescribed for appeals on original zoning classifications. The three optional zoning plans are as follows:

(a) Two-zone plan for essentially open-country rural

municipalities with but one or more small hamlets within their bounds:

Zone 1. The entire area of the rural municipality.

Zone 2. The hamlet area or areas (property upon which stores, offices, shops, or residences are built, and other land not yet occupied by buildings but located within the area of the hamlet or hamlets proper).

(b) Three-zone plan for rural municipalities having one or more villages and/or small hamlets within their bounds:

Zone 1. The entire area of the rural municipality.

Zone 2. Residential and/or small hamlet areas and all territory included in zones of higher number.

Zone 3. The business, commercial, manufacturing, industrial, and vacant lands within this zone at the center of any villages which may be included within the bounds of the rural municipality.

(c) Four-zone plan for rural municipalities in which there are one or more larger villages or towns, and one or more smaller villages or hamlets, or simply one large village or town and farming area surrounding:

Zone 1. The entire area of the rural municipality.

Zone 2. "Suburban" areas surrounding larger towns or villages, including residences, and plots subdivided for residence purposes but not yet improved with dwellings; also, for hamlets and smaller villages, Zone 2 shall be as specified above for the two and three zone plans respectively, to-

gether with all lands included in zones of higher number.

Zone 3. The major residential area of larger villages or towns, and Zone 3 areas of smaller villages as specified in the three-zone plan above, together with all property included in zones of higher number.

Zone 4. The business, commercial, manufacturing, industrial, and vacant lands within this zone at the center of larger villages and towns which may be included within the bounds of the rural municipality.

Section 4. *Levying Zone Taxes.* When a rural municipality has been organized into zones under the provisions of Section 3 of this Article, the general taxes voted in Section 1 of this Article shall continue to apply over the entire area of the rural municipality as heretofore, and shall now constitute the total tax for Zone 1. The property-owners representing a majority of the assessed valuation of real property within any zone, except Zone 1 in each village or hamlet, may by written petition authorize annually such additional tax levies and/or bond issues as may be required to finance the special improvement or improvements specified in said petition, applying to the area covered by the zone named in said petition; *Provided,*

(a) That the additional taxes for all purposes under the zoning system shall in no case exceed:

For Zone 2 — mills above the general maximum allowed.

For Zone 3 — mills in addition to other municipal property taxes.

For Zone 4 — mills in addition to other municipal property taxes.

(b) That in rural municipalities containing hamlet or village centers in which zoned taxation has been established the property-owners of each separate zone or zones about each individual hamlet or village where these zones have been established shall by petition determine the amounts of zone taxes and bonds to be issued by their respective zones as separate and distinct from other zones of the same number within a single rural municipality, as provided for in this Section.

(c) That said zone taxes shall be added to and collected at the same time and in the same manner as is now provided for the collection of general property taxes of the area, said tax collector to turn over to the municipal treasurer all such special funds, together with a full and complete record of the specific purposes for which collected and the zone from which collected in each village or hamlet of a rural municipality where such system of zone taxation has been established.

(d) That taxes levied to pay interest on and retire any bonds issued by any zone shall not be reduced below the point necessary to pay the annual interest charges and to build up a sinking fund to retire said bonds at maturity or to retire a specified number of said bonds each year; nor repealed until all indebtedness and interest thereon is paid in full.

(e) That the total bond issues against all zones shall

not exceed the maximum now allowed by law for such purposes, nor shall the total bond issues for any individual zone exceed the above maximum.

(f) That all bond issues authorized under the provisions of this Section shall be officially approved by the bureau of municipal service and that a statement to this effect shall be included on the face of each bond so issued, and that the issue be so arranged that all bonds be retired and the improvement for which they were issued be debt free in not more than twenty-five years after the date of the original bond issue; *Provided,* that nothing in this Subsection shall prevent the issuance of additional bonds to finance additions to the facilities established by the original issue when the other provisions of this Section are met in full by the proposed additional issue.

(g) That all existing special taxation districts organized prior to the incorporation of a rural municipality whose territory includes a part or all of one or more such districts shall remain intact until their present bond issues or other indebtednesses are paid off; *Provided,* that where such special taxation district includes property which is also included in a single zone as established under the provisions of this Article, the existing indebtedness may be transferred to the zone concerned, along with any assets of said special taxation district, and the tax necessary to retire any indebtedness or maintain the facility for which the special taxation was organized may become a part or all of the zone tax for the individual zone concerned.

(h) That the administration of all improvements contemplated by zone taxation shall be in the hands of the

municipal board of directors and such other technical experts in addition to the municipal manager (if there be one) as the taxpayers of the zones concerned may deem necessary to insure efficiency and economy in the building and maintenance of special facilities. Special technical experts shall receive such additional compensation as may be provided for in the petition authorizing such special tax levies, and they shall give bond to the municipal board of directors for the proper performance of their duties. When the municipal manager is to assume full charge of the administration of any zone activities, the municipal board of directors shall apportion a part of the salary of the municipal manager against the special revenues of this particular zone in proportion to the total amount of time which the administration of this zone's affairs requires on the part of the municipal manager. All claims against zone funds shall be handled in the same manner as is now prescribed for general claims in Section 7 of this Article.

Section 5. *Assessments.* Assessments of real and personal property shall be made in the same manner as is now prescribed by law for county taxation, and all property taxes herein specified shall be based upon these assessments. The county clerk shall add to the state, county, and township tax levies such additional levies as have been authorized by incorporated rural municipalities and any zones therein, and shall keep separate entries showing the amount of tax due from each piece of property in the manner now prescribed by law.

Section 6. *Tax Collection.* Property taxes in any rural municipality incorporated under the provisions of this

act shall be collected in the manner now prescribed by law for the collection of property taxes due to the State and/or its political subdivisions, said tax collectors turning over to the municipal treasurers of the several rural municipalities that part of the total tax collected which represents the levies of these rural municipalities against property in the same manner and at the same time as is now prescribed by law for the turning over of tax revenues to other governmental areas sharing in the general property tax. All other taxes and license fees authorized by the qualified voters of any rural municipality in their annual meeting as herein prescribed shall be paid directly to the municipal treasurer at such time or times as the ordinances directing the levying of the same shall provide. The municipal board of directors may provide suitable penalties for delinquent taxpayers as are now allowed by law.

Section 7. *Payment of Claims out of Municipal Funds.*

(a) *General.* All claims for remuneration out of the general funds of any incorporated rural municipality as allowed in the annual budget adopted by the voters in the manner prescribed by this act shall be presented in itemized form to the municipal manager (or to the chairman of the municipal board of directors if there be no municipal manager) and shall also show under whose immediate authority the expense was incurred. The municipal manager (or the chairman of the municipal board of directors if there be no municipal manager) shall indorse the claims if these represent legally authorized services properly rendered to the municipality. The municipal board of directors shall pass upon all such claims

as are indorsed by the municipal manager (or chairman of the municipal board of directors), allowing all which the board find to be legal, and holding for further investigation any which involve any question whatsoever in the minds of a majority of the board members. Unindorsed claims shall be allowed only after a thorough investigation of each individual case, and then only by unanimous vote of the board. The municipal clerk shall draw up warrants for all claims allowed by the municipal board of directors on forms prepared for the purpose by the bureau of municipal service, keeping all records thereof as prescribed by said bureau. Each warrant shall bear the signature of the municipal clerk and the chairman of the municipal board of directors before it shall become an obligation against the funds of the municipality or honored for payment by the municipal treasurer, and the municipal treasurer shall pay out no moneys whatsoever except upon presentation of properly indorsed warrants as required by this section or of coupons on bonds previously issued by the municipality or such bonds themselves when they shall mature according to the provisions contained on the face thereof.

(b) *Zone Taxation Funds.* All claims for payment out of zone taxation funds shall be handled in the same manner as is herein prescribed for general claims in Subsection (a) of this Section.

(c) *School Funds.* All claims against school funds of the rural municipality shall be presented to the municipal superintendent of schools, who shall indorse all legal claims to be paid out of these funds, and shall submit these to the board of education. The board

of education shall allow all legal claims in the same manner as prescribed for the municipal board of directors acting in the case of general claims. The secretary of the board of education shall prepare warrants on the municipal treasurer for all claims allowed by the board of education, said warrants when signed by the secretary of the board of education and countersigned by its chairman to constitute legal demands upon the municipal treasurer for payment out of the school funds for the amounts stated, said warrants to be of the same general form as those prescribed by the bureau of municipal service for use in paying general claims against the rural municipality, except that the name of the board of education shall appear thereon.

Section 8. *Overdrafts.* The municipal treasurer shall in no case allow warrants against any fund or budget item totaling more than the then unexpended balance of said fund in hand, nor shall the municipal clerk issue warrants in excess of the total sum allowed for that purpose in the municipal budget for the current year. The municipal manager (or the chairman of the municipal board of directors if there be no municipal manager), the municipal board of directors, and/or their respective bondsmen shall be held personally liable for any claims arising out of this Section in excess of the funds appropriated for this purpose which may be awarded in courts by civil lawsuit against the municipality. The provisions of this section shall also apply to the board of education and/or their bondsmen with regard to school funds.

Section 9. *Loans.* The municipal board of directors

may authorize the municipal treasurer to use any surplus funds not otherwise appropriated or any unexpended balances in any account not likely to be used in the near future for payment of claims against other items in the municipal budget whose balances are already exhausted, but in no case shall the amount transferred in this manner exceed the total allowed in the budget for this item for the fiscal year concerned, and upon receipt of additional funds to apply to the budget item in whose favor such transfer has been made the municipal treasurer shall immediately pay back the amounts thus transferred to the funds from which they were taken; or if claims should arise against those funds which have been transferred to other accounts temporarily the municipal treasurer shall be authorized to borrow money as prescribed in this Section to replace said funds in the account from which they were transferred and the cost of the borrowed money shall be charged against the budget items whose then existing balances were insufficient to meet claims against them. The municipal board of directors (for general and zone functions) or the board of education (for school purposes) may authorize the municipal treasurer to borrow money for the purpose of carrying out the financial program of the year in advance of tax receipts, in amount not to exceed sixty (60) per cent of the tax levy or levies made for that year, said loans to mature at least one month before the close of the current fiscal year and to bear a rate of interest not to exceed six per cent per annum, the interest charge to be prorated against the several funds for which the money was borrowed.

Section 10. *Fiscal Year.* The fiscal year for an incorporated rural municipality shall be the same as that now prescribed for counties; except that for the consolidated school district it shall be the same as is now prescribed for consolidated school districts generally.

Section 11. *Audit.* At the close of each fiscal year every rural municipality incorporated under the provisions of this act shall provide for an audit of its books by some person or auditing company approved by the bureau of municipal service, a complete copy of said auditor's report to be furnished by the auditor to the bureau of municipal service immediately upon completion of said audit, and a complete copy to be filed with the municipal clerk of the local municipality concerned. Provision for the expense of the annual audit shall be included in the municipal budget. Any citizen or group of citizens shall have the right to examine the auditor's report at any time during the regular office hours of the municipal clerk without stating any reason therefor.

Article VII

LAW ENFORCEMENT

Section 1. The municipal manager (or the chairman of the municipal board of directors if there be no municipal manager) of any rural municipality shall have the same powers as a police officer as are now accorded by law to mayors of incorporated towns. The municipal manager (or chairman of the municipal board of directors) may be authorized and empowered by the qualified

voters in any annual municipal meeting to employ a chief of police and one or more policemen for municipal service, whose duties shall be those now prescribed for similar officials in incorporated towns, and who shall have authority to arrest violators of any ordinances of the rural municipality in which they are employed. Said police officials shall receive such compensation as the municipal meeting may determine, and the expenses of this service shall be included in the municipal budget.

Section 2. Any person violating any ordinance adopted by a rural municipality under authority conferred by this act or any supplemental rule made by the municipal board of directors acting within their jurisdiction shall be guilty of a misdemeanor and upon conviction shall be fined in amount not exceeding one hundred (100) dollars, or imprisoned in the municipal or county jail for a period not exceeding ninety (90) days, or both, together with such costs as are now allowed by law. Any justice of the peace residing in the bounds of any rural municipality shall have the power to try all cases arising out of violations of any municipal ordinances, appeals therefrom to be made in the manner now prescribed by law for justice of the peace courts generally.

Section 3. All violations of county, state, or Federal laws shall be dealt with as is now prescribed by law, and no rural municipality shall have the authority to pass ordinances reducing or eliminating the punishments prescribed for violations of county, state, or Federal laws when said violations occur within the bounds of the rural municipality.

Section 4. All moneys received by justices of the peace by reason of fines assessed for violation of municipal ordinances, county or state laws shall be turned over at once to the municipal treasurer, who shall retain in the general revenues of the municipality such sums as represent fines for violations of municipal ordinances, and shall turn over to the proper authorities all sums representing fines for violations of laws of other areas as is now prescribed by law. All authorized costs shall be handled in the manner now prescribed by law for justice of the peace courts and local municipal courts of incorporated towns.

Article VIII

PUBLIC SCHOOLS

Section 1. As soon as any rural area shall incorporate as a rural municipality under the provisions of this act, and shall have had its first annual municipal meeting as provided for in Article II of this act, the township board (or boards) shall rearrange the school districts of the township (or townships) in such a way that all territory included in the rural municipality shall constitute one consolidated school district, the remainder of the area to retain as nearly as possible its existing school districting. Any indebtedness of the former districts now included entirely within the new consolidated district shall be transferred to the latter in total, and any indebtedness of any school districts part of which may be included in the new consolidated school district shall be apportioned

on the basis of the assessed property values of the areas thus affected. All assets of former districts shall be handled in like manner.

Section 2. The control of the schools of any incorporated rural municipality shall be vested in a board of education of three qualified voters serving three-year terms, one to be elected each year at the annual municipal meeting, except that at the first meeting at which the board of education shall be elected, one person shall be elected to serve for one year, one to serve for two years, and one to serve for three years. Vacancies in the board of education shall be filled by appointment by the municipal board of directors, said appointee to serve only until the next annual municipal meeting, at which time, if the original term of office has not expired, a person shall be elected for the balance of this unexpired term.

Section 3. As soon as possible after each annual municipal meeting, the board of education shall meet and organize by naming its chairman and secretary from among its membership. The board of education shall then levy the school tax for the ensuing fiscal year, not to exceed the maximum now prescribed by law for consolidated school districts, certifying the same to the municipal clerk, who will add this tax to the other municipal tax levies against property as authorized by the annual municipal meeting.

Section 4. The board of education shall further have the power to hire a superintendent of schools, who may also be principal of the high school, and further to hire the necessary faculty for all schools in the municipality or empower the superintendent to hire a

faculty, all persons so hired to meet the requirements as to education and experience laid down by the general school laws of the State; to provide a suitable building or buildings and grounds; to provide transportation facilities for pupils if necessary; and to exercise all the powers and responsibilities accorded to boards of consolidated school districts in this state; *Provided*, that the county superintendent of schools and the county board of education shall exercise the same authority and supervision over the school system of the rural municipality as is now provided for in the case of consolidated school districts of this State.

Section 5. The municipal treasurer shall be *ex officio* treasurer for the board of education; he shall keep all funds of the school district in a separate account, adding thereto all receipts from taxes and all other income whatsoever belonging to the school system. He shall pay out school funds only upon presentation to him of properly prepared warrants as prescribed in Section 7 of Article V of this act.

Article IX

STATE SUPERVISION

Section 1. The bureau of municipal service, a division of the office of secretary of state, is hereby established to have a supervisory control over all rural municipalities incorporated under the provisions of this act. Said bureau shall consist of a director and two assistant directors nominated by the secretary of state and

appointed by the governor for five-year terms, with such compensation as the legislature may provide, together with such budget allowances for clerical assistants, travel expenses, and the providing of the prescribed forms and reports as required in this act as the budget commission shall deem necessary to properly execute the supervision of rural municipalities as intended by this act, said salaries and expenses to be paid out of the general funds of the state treasury not otherwise appropriated.

Section 2. The duties of the bureau of municipal service, as herein established, shall be as follows:

(a) To promote the incorporation of rural areas under this act by a campaign of educational publicity through any and all available channels.

(b) To provide the necessary blank forms and record books for the keeping of all financial accounts and other records required by the provisions of this act, said records to be furnished free of charge to all rural municipalities incorporated under the provisions of this act during the first five years of their incorporation, and to be sold to said rural municipalities after they have been incorporated for six years or more at not more than the cost of paper and printing involved in their preparation.

(c) To require the proper use of all the prescribed forms in a uniform system of accounting and record keeping prepared by this bureau, the use of which shall be obligatory on the part of all incorporated rural municipalities.

(d) To prepare lists of approved auditors and auditing companies eligible to perform the required annual

audit of each incorporated rural municipality, reserving the right to remove any person or firm from the approved list whose charges for auditing service are clearly excessive, or for incompetency, or for any other just cause.

(e) To require such annual and special reports from the municipal board of directors of each incorporated rural municipality covering all matters prescribed in the several articles of this act, and such additional facts and data as the bureau of municipal service may deem necessary for the proper understanding of all municipal affairs; failure of any municipal board of directors to furnish any reports called for within a reasonable length of time after receiving notice shall constitute a misdemeanor which shall be tried in the circuit court, and upon conviction shall be punishable by a fine of not less than twenty-five (25) nor more than fifty (50) dollars for each offense, plus suitable announced penalties for all delays in turning in the required reports.

(f) To pass upon the legality of all proposed bond issues to be floated by any rural municipality for any purpose allowed under this act, and to require that a statement to this effect appear on the face of each bond so issued; *Provided,* that nothing in this act shall be construed to hold the state or the state treasury liable for the defaulting of any interest payment or principal payment on any bonds thus issued.

(g) To conduct hearings on any case of tax appeals as provided for in Section 2 of Article V of this act.

(h) To issue an annual condensed report containing a directory of all rural municipalities incorporated under the provisions of this act, together with a brief state-

ment covering the achievements or difficulties of each during the past year, said report to be furnished free to each rural municipality and an additional supply to be made available for use in furthering the incorporation of rural areas elsewhere in the State.

(i) To submit biennially to the secretary of state an itemized statement of the amount of money necessary to operate the bureau of municipal service for the coming biennium according to the provisions of this act when called upon by the secretary of state for the same.

Article X

RELATIONSHIP TO TOWNSHIPS

Section 1. Until the entire land area of a township is included within the boundaries of one or more rural municipalities incorporated under the provisions of this act, nothing in this act shall be construed so as to destroy the existing political organization and the exercise of its powers over the local affairs of the township. That part of the taxes which is retained by the township for its purposes shall be used throughout the township area without regard to the boundary lines of any rural municipalities which may be organized therein.

Section 2. When the entire land area of a township is included within the bounds of one or more rural municipalities, said township shall cease to function as a political unit and its powers shall be transferred to the incorporated rural municipalities in the same manner that such powers are now transferred to cities incorpo-

rated under the general or special charter provisions of this State. Said rural municipalities shall then be represented on the county board of supervisors by the chairmen of their respective municipal boards of directors, who shall have equal powers on the county board with all other members. In the assessment of state and county taxes, each incorporated rural municipality shall be assessed in the same manner that incorporated cities are now assessed, the county and state mill tax-rates plus the rate voted by the rural municipality (and any special taxation districts) constituting the total tax-rate for each piece of property concerned.

Section 3. When the township ceases to function as a political unit, as provided for in Section 2 of this Article, any existing indebtedness or assets of said township shall be divided among the rural municipalities (or transferred to the rural municipality) within whose boundaries (or boundary) the disbanded political township formerly existed, the county board of tax equalization to have charge of such division, its decision to be final unless appealed in the manner now prescribed by law for appealing the assessment of townships decided by the county board of tax equalization and appealed from that decision.

Article XI

ENABLING CLAUSES

Section 1. All laws and clauses of laws in conflict with the provisions of this act are hereby declared re-

pealed in so far as their applicability to areas incorporated under the provisions of this act is concerned.

Section 2. If, for any reason whatsoever, any section or sections of this law shall be declared unconstitutional by any court having proper jurisdiction in the matter, the remaining sections shall continue to be operative and rural areas incorporated under the provisions of this act shall continue to function in so far as the clauses still in force provide power to act.

Section 3. This act shall be in force ninety days after its final enactment into law.

Appendix A

DECLARATION OF PURPOSES AND CONSTITUTION OF PLAINSBORO TOWNSHIP, NEW JERSEY [1]

A Declaration of Purposes.

We, the residents of Plainsboro Township, New Jersey, declare our purpose to accept all the duties of American citizenship.

We are forming an association to secure all the benefits of community life, and affirm the right of our community to each one's best effort.

We support all individual rights just as far as their use does not harm our fellows.

We agree that the public good is superior to any private gain obtained at the expense of community welfare.

We recognize and acknowledge the gracious influence of practical Christianity in community life.

We ask that our homes be guarded by right social conditions throughout our community.

We declare the duty of the community to provide good schools, means for community recreation, safe sanitary conditions, improved highways, and encouragement to thrift and home-ownership.

[1] "National Stockman and Farmer," July 26, 1919.

We agree to do our share in the creation of public sentiment in support of all measures in the public interest.

We agree to put aside all partisan and sectarian relations when dealing with community matters.

We state our conviction that the best rewards from this organized effort lie before each one in a deepened interest in others and in an increased ability to co-operate with one and the other for the good of all.

We the citizens of Plainsboro Township, incorporated by act of the Legislature of the State of New Jersey, approved April 1, 1919, and accepted by us on May 6, 1919, subscribe to this declaration.

CONSTITUTION.

Article I. Name.

The name of the organization is the Community Association of Plainsboro Township.

Article II. Object.

The object of this Association is to carry out the Declaration of Purposes as subscribed to by the residents of Plainsboro Township, New Jersey.

Article III. Membership.

Every resident of Plainsboro Township has the right to membership in this association and to participation in discussion at its meetings, and every citizen has a vote.

Article IV. Community Council.

A council of seven members shall be elected to carry out the will of the community as expressed in open meetings and to act for the community in minor matters and all emergencies. But all decisions affecting the material welfare should be made in open meetings of the community.

The council shall designate one of its members as president, another as secretary, and another as treasurer, and these persons shall serve respectively as community president, secretary, and treasurer.

The members elected at the first community meeting shall serve until their successors are elected at the first meeting in the month of January, and thereafter members shall be elected for one year and serve until their successors are elected.

Article V. Meetings.

There shall be an annual meeting in the month of January, ten days' notice of the date being given by the council.

At this meeting, reports shall be made by all township officers of their respective duties.

At this annual meeting, and at all other meetings when required, the council shall make a report of its proceedings.

A regular community meeting shall be held at a date conforming to the law respecting the nomination of candidates for Township offices.

Other meetings shall be held upon call of the council, or upon notice signed by ten citizens and posted at the usual place of meeting ten days prior to the date of the meeting.

Twenty voting members shall constitute a quorum for the transaction of business.

Article VI. Duties of the Council.

The council shall advise with all township officials in the performance of their duties. It shall determine and initiate matters concerning health, thrift, home-ownership, community protection, village improvement, coöperation with outside organizations, and all other matters of community interest.

It shall prepare and propose township and community budgets from time to time for consideration.

It shall suggest a ticket for nominees for township offices, posting the same ten days prior to the meeting of the community when nominations shall be made.

It shall also make provisions for posting of nominations that may be made by groups of ten or more citizens.

The council shall faithfully carry out the will of the community as determined in public meeting.

Article VII. Defining "Citizens."

The word "citizen" and "Citizens" as used in this constitution shall be interpreted as referring to any person and persons who would have the right of suffrage if equal suffrage prevailed.

Article VIII. Amendments.

This constitution may be amended at any community meeting by a three-fourths vote of the members present, provided an exact copy of the proposed amendment has been properly posted at the usual place of meeting ten days prior to the date of meeting.

Appendix B

COPY OF QUESTIONNAIRE USED IN LOCAL GOVERNMENT SURVEY

SOCIAL ASPECTS OF FARMERS' LOCAL MUNICIPALITIES IN THE UNITED STATES

Questionnaire Sheet.[1]

Directions: Please read all of the questions through before answering any of them. If more room is needed for answers, use other side of sheet or add another page. Your personal criticism or comment is desired in addition to the specific answers to the questions, if you desire to add it. The completed questionnaire sheets should be returned to the Department of Rural Life, Hendrix College, Conway, Arkansas.

I. Present Units of Local Government:

a. What is the smallest unit of local government which the rural areas of your State now have? (County, Parish, Township, Town, etc.) This question does not refer to special taxation districts solely for oper-

[1] Considerably more space for replies was included in the original schedule.

ating schools, or for one other purpose, but only to the smallest local area having some self-governing power for *general* purposes.

b. What offices in this local unit are filled by popular election? Justice of the Peace, Clerk, Constables, Chairman of the Board, Members of the Board, Assessors, Treasurer, Tax Collector, Road Overseers, Overseers of the Poor, etc. (Underscore those you have in the above list and add any others below.)

c. Does this present local unit tend to include rural people whose other interests, such as trade, social, religious, etc., are realized within the bounds of this same area, or does it include groups whose other interests center in different governmental areas?

d. In what ways do residents of this unit show an *active* interest in their local government?

A. By office-holding, road work, other volunteer help? List any additional forms of *active* interest shown.

B. Estimated percentage of legal residents voting in local elections.

e. Give the two most important reasons why people fail to take a more active interest in this unit of government?

A.

B.

f. What are the two most common complaints directed against this unit of local government on the part of the rural people?

A.

B.

g. What two things can be done to secure more rigid law enforcement in this area?

A.

B.

II. The Incorporation of Rural Communities. ("A rural community consists of the people in a local area tributary to the center of their common interests."—Dwight Sanderson.)

a. Using the above definition, would you favor the incorporation of rural communities under charter much the same as village groups may incorporate at present? In other words, should farmers around their trade village, for example, be allowed to incorporate as a local municipality instead of being included in different areas of local government as is frequently true at present? This assumes that satisfactory arrangements can be made to prevent conflict of jurisdiction with existing areas of local government.

b. Should the village center and the surrounding rural area tributary to it be included in one municipal corporation, or should the village center and the rural area tributary to it each have its own separate municipal government?

c. If the village center and its tributary rural area were to be incorporated into a single governmental unit, should the village property and the rural property have the same assessed valuation and tax-rate? That is, should one dollar's worth of village property pay the same municipal tax-rate as one dollar's

worth of rural property for this incorporated area? Why?

PERSONAL COMMENT OR CRITICISM.

APPENDIX C

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SECTION C. LEGAL.

Note.—In many States, manuals for the guidance of local government officials are issued more or less frequently. From the standpoint of the layman, the language in these manuals is usually easier to comprehend than is the legal terminology of the original statutes. Furthermore, they are frequently indexed more completely for ready reference than is true of the statutes. A list of representative manuals of this type follows. It is far from complete.

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ROCKEL, W. M., "Complete Guide for Ohio Township Officers." Cincinnati: The W. H. Anderson Company, 1925.

THORNTON, W. W., "Complete Guide for Indiana Township Officers." Cincinnati: The W. H. Anderson Company, 1927.

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For general laws applying to the local governmental areas within each State, the latest edition of the compiled statutes for that State is about the best source of information. However, due to the mass of local legislation which may allow only one county, township, or town to do certain things, a person making a very detailed study of the powers held by an individual unit of local government is almost under the necessity of consulting the voluminous session laws of the State in addition to the compiled statutes.

INDEX

Alabama, enumeration of rural-development powers held by local government, 88, 89.

Arizona, townships, 44; enumeration of rural-development powers held by local government, 90, 91.

Arkansas, townships, 44, 47, 51; county board, 59; constitutional restrictions upon bond issues, 74; enumeration of rural-development powers held by local government, 85-87.

Bank service areas, and units of local government, 179.

Board of directors, in the proposed rural municipality, how constituted, 224, 274, 277, 279; powers, 224, 279, 281-283, 285, 295, 300-306.

California, townships, 44; county-manager plan, 65, 238; county home-rule charters, 78, 238; enumeration of rural-development powers held by local government, 90, 91; areas of local self-government established by the state land settlement board, 198, 199.

Church parish areas and units of local rural government, 178.

Cities, incorporation of, as related to local rural government, 28; city-county consolidations, 61, 243-245, 260; greater ease in reorganizing local government, 241, 242.

Citizenship interest in local government, indicated by survey results, 113-122; reasons for failure to take more interest, 122-125.

Colorado, enumeration of rural-development powers held by local government, 90, 91.

Community areas and units of local rural government, 171, 173.

Community meeting, as the legislative and policy-determining authority in the new rural municipality, 223, 272-281; powers of the community meeting, 286-292.

Complaints by citizens against local government, survey results, 126-129.

Congressional townships, method of land survey, 25; effect upon township political organization, 25; artificial

character as units of local government, 25, 28, 47, 113-116, 168-181.
Connecticut, incorporated places, 34; enumeration of rural-development powers held by local government, 81-83.
Constitution, state, limiting legislative tampering with local government, 29; preventing needed changes in local government, 241-243.
Counties, in colonial times, 18, 20, 22; land area and population, 56-58; economic and social relationships, 58; urban domination of county government, 58, 59, 245; city-county consolidations, 61, 63, 243-245, 260; lack of a chief administrator, 64, 65, 187, 188; powers and functions in local government, 65-68; home rule in, 65, 78, 238, 251-253; rural-development powers, by individual States, 83, 85, 88, 90; economic and social solidarity of the citizenship, 113-115, 168, 171; recent reorganization trends, 237-246; difficulties in governmental reorganization, 241-243; as areas for administration of state policies, 250-252, 254-261; consolidation of existing units into larger areas, 261.
County boards, supervisor type, 59, 60; commissioner type, 60, 61; relative merits of large and small boards, 60; reduction in size, 189.
County-manager plan of administration, 65, 78, 188, 238-240.
County officials, enumeration by States, 62, 63; no real administrative head, 64; county or probate judge as the chief administrator, 64; county manager, 65, 78, 188, 238-240; reduction in number of elected officials, 187-189, 239-241.
County seat, restrictions against legislative tampering with, 29; location, 58.

Decentralization of government during the nineteenth century, 27.
Delaware, county board, 59; enumeration of rural-development powers held by local government, 88, 89.
Dependents, care of, as a state function, 189, 259.

Elections, participation in, by citizens, 116-118; in the proposed rural municipality, 223-225, 272-274.
Elective offices, need for reducing number of, 187, 189; small number in Saskatchewan plan, 202-204; in the proposed rural municipality, 223-225, 272-274.
England, local government in, antiquity of, 4; county or shire, 4; economic and social unity within local areas, 4;

decline of local self-government, 5; parishes, 6; parish assembly or council, 8.

Farm and home bureau membership areas and units of local rural government, 177.
Florida, enumeration of rural-development powers held by local government, 88, 89.
France, local government in, 9, 10.

Georgia, no county board, 60; enumeration of rural-development powers held by local government, 88, 89.
Germany, local government in 10, 11.

Home rule, county, 65, 78, 238; some limitations of, in counties, 251-254.

Idaho, enumeration of rural-development powers held by local government, 90, 91.
Illinois, townships, 27, 44, 45, 46, 48, 51; county board, 59; enumeration of rural-development powers held by local government, 85-87.
Indiana, townships, 27, 44, 45, 50, 51, 53; enumeration of rural-development powers held by local government, 85-87.
"Interest" groupings of rural people, relationship to existing units of local government, 169, 172-181; as a basis for the proposed rural municipality, 221, 222.
Iowa, townships, 44; enumeration of rural-development powers held by local government, 85-87.

Kansas, townships, 44, 51; enumeration of rural-development powers held by local government, 85-87.
Kentucky, county board, 59; enumeration of rural-development powers held by local government, 88, 89.

Law enforcement, suggestions for securing better results as found in questionnaire survey, 130-134.
Local legislation, restrictions against passage of, by state legislatures, 29; evils, 66, 71; to secure added powers of local self-government, 71, 80, 182.
Local self-government, meaning of, 157-161; some present fallacies concerning, 157-159; the primary group as a basis, 161, 162; the primary group in political activities, 163, 164, 166, 167; need for units below the county in rural areas, 192-194; present inability of many rural areas to provide a suitable basis for, 213, 214, 252-254.
Lodge membership areas and units of local rural government, 180.

Louisiana, parishes, 54; policy jury, 61; enumeration of rural-development powers held by local government, 88, 89.

Maine, incorporated places, 34; enumeration of rural-development powers held by local government, 81-83.
Maryland, county-manager plan, 65; county home-rule charters, 78, 238; enumeration of rural-development powers held by local government, 88, 89.
Massachusetts, status of town government in colonial times, 15; incorporated places in, 34; enumeration of rural-development powers held by local government, 81-83.
Michigan, townships, 44, 48, 49, 51; county board, 59, 67; enumeration of rural-development powers held by local government, 85-87.
Middle Atlantic colonies, local government in New Netherlands, 21; New York, 21; townships, 21, 22; counties, 22; separate incorporation of cities and villages, 22.
Minnesota, townships, 48; enumeration of rural-development powers held by local government, 85-87.
Mississippi, enumeration of rural-development powers held by local government, 88, 89.
Missouri, townships, 47, 50, 51; county board, 59; enumeration of rural-development powers held by local government, 85-87; factors promoting community consciousness in rural areas, 207.
Montana, townships, 44; enumeration of rural-development powers held by local government, 90, 91.
Municipal incorporation for rural areas, North Carolina plan, 79, 195-197; opinions in questionnaire survey, 135-150; village-open-country consolidations for general purposes, 140-143; Saskatchewan plan, 201-205; rural communities as unit areas, 206-218; proposed plan for rural areas, 219-236, 249; model incorporation law, 267-314.
Municipal manager in the proposed rural municipality, how authorized, 224, 281, 282; powers and duties, 274, 283, 302, 303, 306, 307.
Municipal officials, in the proposed rural municipality, 223, 274, 281-286, 300-306.

Nebraska, townships, 44, 45, 47, 48; county board, 59; enumeration of rural-development powers held by local government, 85-87.
Neighborhood areas and units of local rural government, 168, 169, 171, 173.
Nevada, townships, 44; enumer-

ation of rural-development powers held by local government, 90, 91.
New England colonies, local government in, origin, 12; ownership of common lands, 12, 13; town meetings, 13; selectmen, 13; other town officials, 14; relationship of towns to colonial government, 14, 15; proprietors of common fields, 16; town commons, 16, 17; economic and sociological structure of towns, 17, 18; relationship of towns to counties, 18.
New Hampshire, incorporated places in, 33; enumeration of rural-development powers held by local government, 81-83.
New Jersey, townships, 44, 46, 47; county board, 59; enumeration of rural-development powers held by local government, 85-87; Plainsboro township incorporation plan, 198, 316.
New Mexico, enumeration of rural-development powers held by local government, 90, 91.
New York, establishment of townships and counties in colonial times, 21; townships, 44, 46, 47, 48, 49, 51; county board, 59; enumeration of rural-development powers held by local government, 85-87.
Non-partisan elections, of local government officials, 189.
North Carolina, townships, 44; county-manager plan, 65, 78; local laws as a county problem, 66; incorporated rural communities, 79, 195-197; enumeration of rural-development powers held by local government, 88, 89.
North Dakota, townships, 44, 46, 48; enumeration of rural-development powers held by local government, 85-87.
Northwest Ordinance, effect upon local government, 25; establishment of townships, 26.

Ohio, townships, 27, 44, 45, 46, 47; enumeration of rural-development powers held by local government, 85-87.
Oklahoma, townships, 44, 51; enumeration of rural-development powers held by local government, 85-87.
Oregon, county board, 61; enumeration of rural-development powers held by local government, 90, 91.

Pennsylvania, establishment of townships and counties in colonial times, 22; townships, 44, 45, 46, 47; enumeration of rural-development powers held by local government, 85-87.
Primary groups, in rural social organizations, 164-166; as a basis of democracy, 166-

167; relationship to existing political boundaries, 168, 169, 171, 173.

Reorganization of local rural government, some evidences of need for, 168-194; the proposed rural municipality, 219-236; difficulties in the way of reorganization, 241-243; county government, 247-267.

Research, need for, in determining the problems of local government, 152, 267.

Rhode Island, incorporated places, 34; no county board, 60; enumeration of rural-development powers held by local government, 81-83.

Rural communities, incorporation of, in North Carolina, 79, 195-197; incorporation of, results of questionnaire survey, 138-143; mapping of boundaries, 170, 173; factors determining area and boundaries, 206-210; advantages of using, as units of local self-government, 210-213; disadvantages, 213-215; permanence as locality areas, 215-217; as units for the proposed rural municipality, 221-222.

Rural development legislation, need for and purposes of, 69, 70; source of authority, 71; utilization of existing areas and officials, 71; permissive adoption, 72; tax-rate and bond-issue limitations, 73; centralized supervision, 75; consolidation of or coöperation between existing units, 76; establishment of new administrative areas, 77; larger grants of power for local self-determination, 78; tabulation by individual States, 81-91; wrong units of local government used, 94; Saskatchewan Rural Municipality Law, 201-205; in the proposed rural municipality, 225, 286-290.

Rural municipalities, existing legislation concerning, 195-205; proposed plan of incorporation for, 219-236; as units in a plan of local governmental reorganization, 248-250; model incorporation law for, 267-316.

Rural Municipality Incorporation Law, method of incorporating, 267-271; community meetings and elections, 272-281; officials and their duties, 281-286; powers of local self-determination, 286-290; taxation and finance, 290-306; law enforcement, 306-308; school system, 308-310; state supervision, 310-313; abolition of townships, 313, 314; enabling clauses, 315, 316.

Rural social organization, in relation to units of local government, 113-116, 168-181, 205; in determining rural community areas, 206-

210; permanence of locality groups, 215-217; as a factor in the proposed rural municipality, 221, 222.

Saskatchewan Rural Municipality Law, 201-205.
School districts, rural-development powers extended to, by individual States, 83, 86, 89, 91; allowed to extend across other political boundaries, 200; in the proposed rural municipality, 233, 308-310.
Secondary groups in rural social organization, 165.
South Atlantic colonies, local government in, economic and social backgrounds, 19; shires and counties, 19, 20; parishes, 19; the development of close corporations, 20.
South Carolina, townships, 44; enumeration of rural-development powers held by local government, 88, 89.
South Dakota, townships, 44, 48; enumeration of rural-development powers held by local government, 85-87.
Special taxation districts in rural areas, use of, for rural-development purposes, 77; enumeration of, by individual States, 83, 87, 89, 91; overlapping of boundaries, 95; allowed to cross other political boundaries, 200; in the proposed rural municipality, 300.
State administration, need for complete control over certain functions now generally performed by local government, 189, 259; use of counties as local administrative areas, 250-252, 254-260, 259.
State supervision over local government activities, tendency toward expansion, 30; in existing rural-development legislation, 75; failure to provide in rural-development legislation, 100; need for new forms of supervision in rural-development legislation, 101; in financial matters, 189, 235, 255; in the proposed rural municipality, 235, 236, 255, 310-313.
Survey of local rural government, questionnaire schedule used, 105, 320; informants selected, 107-109; tabulation methods, 109; reliability of results, 110-112; presentation of results, 113-150; summary and conclusions, 150-153.

Taxation, lack of equalization in existing property taxes, 97, 183-187; as a source of town-country antagonisms, 98, 185; in a joint village-open-country municipality, 143-150, 186; equalization between village and rural property in New England towns, 144, 186; in the proposed rural municipality, 225-233, 293-299.

Tennessee, county board, 59; enumeration of rural-development powers held by local government, 88, 89.
Texas, enumeration of rural-development powers held by local government, 88, 89.
Town meeting, in colonial times, 13; at present, 35; powers, 36; appropriation of funds and levying of the town tax, 36; recent problems in conducting, 37; limiting the size of the meeting, 37.
Towns, New England, origin of, 12; powers held by, 14, 16, 18, 41, 81; general characteristics of, 32; economic and social relationships, 34, 113-115; status of, as units of local government, 41; state supervision over, 42; rural-development powers held by, 81.
Town officials, in colonial times, 13; at present, 39.
Township meeting, powers and functions, 48-50; problem of securing attendance at, 49, 50.
Township officials, township board, 50; administrative head, 51; assessors, 51; treasurer, 51, 52; justices of the peace, 52; road supervisors, 52.
Townships, in colonial times, 21; organization of congressional townships for political purposes, 25; artificial character of, 25, 28, 47, 113-116, 168-181; general characteristics at present, 45, 78; relationship to incorporated places, 45; township halls, 53; school administration, 53; roads and bridges, 53; taxation, 53; rural-development powers held by, in individual States, 84; abolition of, 190, 191, 220, 313, 314.
Trade areas and units of local rural government, 174-176, 179, 180.

Utah, enumeration of rural-development powers held by local government, 90, 91.

Vermont, incorporated places in, 34; county administrators, 60; enumeration of rural-development powers held by local government, 81-83.
Villages, separate incorporation for, 22; under New England town government, 33, 34, 37, 113-115; incorporated as rural municipalities, 140-143, 226, 249.
Virginia, local government in colonial times, 19; county board, 59; county-manager plan, 65, 78, 239; municipal improvements in Arlington county, 79; enumeration of rural-development powers held by local government, 88, 89; proposed reorganization

of county government, 239-241.
Voters, need of information concerning rural-development legislation, 100, 236.

Washington, townships, 44; enumeration of rural-development powers held by local government, 90, 91.
West Virginia, enumeration of rural-development powers held by local government, 88, 89.
Wisconsin, townships, 44, 48, 51; county board, 59; enumeration of rural-development powers held by local government, 85-87; diagram of county government in a typical county, 257.
Wyoming, enumeration of rural-development powers held by local government, 90, 91.

Zoned taxation, in the proposed rural municipality, 227-233, 295-301.

DATE DUE